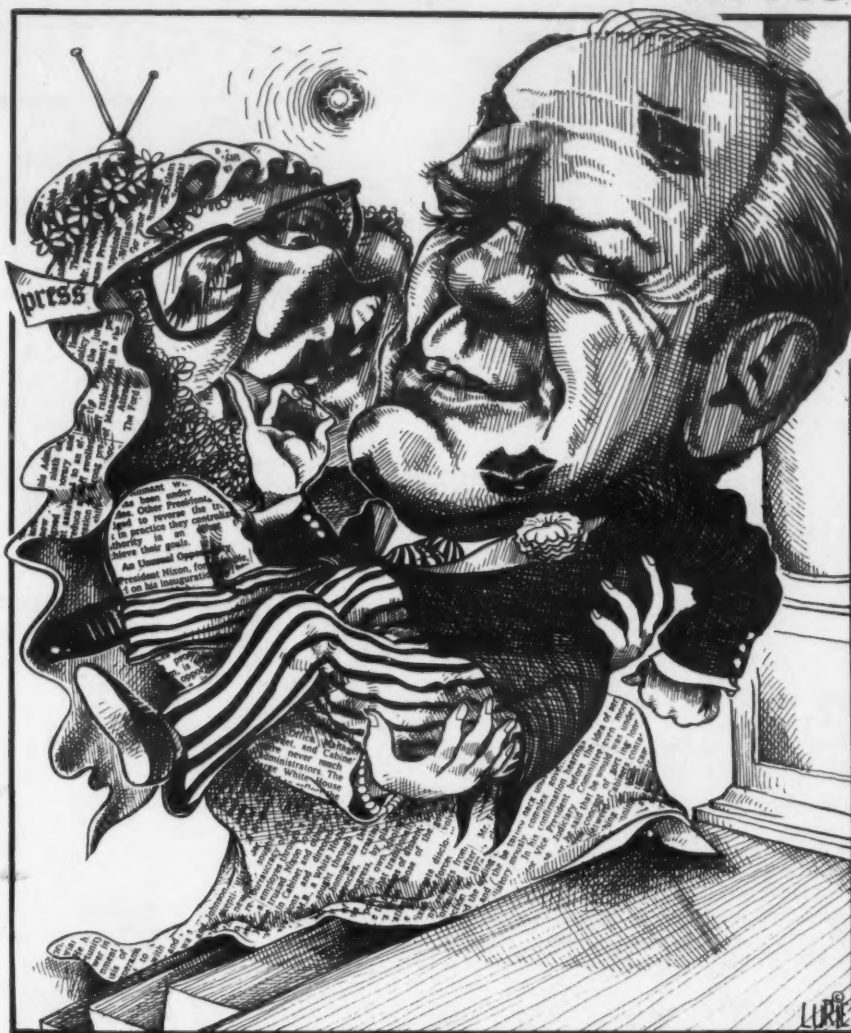


# (MORE)

**Cockburn: Ol' Blue Eyes  
Goes Down Under**

**Fighting Libel Suits, or  
Goodbye Royalties,  
See You In Court**

**Revenge At The Times:  
Firing Denny Walsh**



Ranan Lurie

## The Newlywed Game

BY WILLIAM V. SHANNON

When President Gerald Ford made his first formal appearance before a joint session of the House and Senate, he extended graceful compliments to the Congress and to the press. To his former colleagues on Capitol Hill, he said, "I do not want a honeymoon with you. I want a good marriage." A moment later, inclining his head to the members of the press above him, the President said, "And while I am aware of the House rule that one never speaks to the galleries, I believe in the First Amendment and the absolute necessity of a free press." The members of Congress roundly applauded these remarks. The members of the press gallery would also have applauded them if the rules of the House permitted.

Except in the unlikely event that Gerald Ford proves to be another James Monroe and ushers in an "Era of Good Feeling," a marriage between him and the American people is not a likely proposition. But it is inevitable that Congress and the American people have a honeymoon with Ford during the first several weeks of his presidency. It is also inevitable that reporters and commentators make a determined effort to look at the bright side of the President's personality and initial activities. After all, journalists are not immune to the national mood experienced by our fellow citizens. After the trauma and rage and tension of Watergate, there is a reflexive impulse to relax and settle back into something approaching normality.

But what is normality?

Where Presidents and their staffs and the

**Despite the lessons of  
Watergate, President  
Ford and the press are  
now embarked on a  
cozy honeymoon—  
a Washington tradition  
long in need of  
overhaul, like White  
House coverage in  
general.**

Washington press corps are concerned, the danger from the public viewpoint is not a short-term honeymoon but long-term incest. Most Presidents are not aggressively investigated or their statements carefully compared and analyzed or their activities and friendships skeptically scrutinized as came to be the norm in the last extraordinary year of the Nixon Administration. Press secretaries are not normally challenged day after day as was the ineffable Ron Ziegler. Of course, Presidents are not usually engaged in criminal conspiracies and their spokesmen are not usually documented liars.

Yet it remains true that modern Presidents deploy enormous power and sometimes in self-serving and legally questionable ways. The press has no justification for its liberties under the First Amendment unless it serves as a watchdog and a critic of the exercise of government power. That critical function depends upon maintaining a tough, uncompromising adversary relationship between the press and the powerful. White House

reporters, and the Washington press corps generally, espouse this ideal in the abstract but in practice the circumstances of their work conspire against it.

The White House is a peculiar assignment. On Capitol Hill, there are 535 congressmen and senators, most of whom like to talk and who have a personal or partisan interest in keeping tabs on what their colleagues are up to. They are physically accessible because they can be waylaid leaving committee rooms or going to and from the floor. Moreover, there are hundreds of employees and lobbyists who also make it their business to know what the members of Congress are doing, and various of these people can be developed as news sources. Meanwhile, reporters cover the executive departments and agencies, and play off the political appointees at the top and the career bureaucrats to get accurate information on what both factions are up to.

By contrast, a correspondent covering the White House as a full-time or part-time beat is essentially covering only one man. Scores of people work for him and, in a normal, non-Nixon administration, have at least occasional contact with him. But the power structure, though never smoothly monolithic, is much more homogeneous than on Capitol Hill or in the departments. There are no adversary relationships that a reporter can exploit that are anywhere near as open and traditional as the combat between Republicans and Democrats or between new policymakers and old bureaucrats. The power of everyone in the White House depends upon the favor of the President, and no matter what secret jealousies and antagonisms may divide his entourage, the participants talk about it only in ways that protect the

(continued on page 19)

*William V. Shannon, a member of The New York Times editorial board, is the author of 'They Couldn't Trust The King' (MacMillan), a book about Nixon and Watergate.*



# CONTENTS

## The Newlywed Game

by William V. Shannon

President Ford and the press are now locked in connubial bliss, even though one inescapable message of Watergate is that such honeymoons are dangerous at best. The author, a member of *The New York Times* editorial board and an experienced Washington observer, calls for an end to the affair.

Page 1

## The Perils Of Muckraking

by David M. Rubin

Page 5



When authors take on a controversial subject in a book, the odds are growing that they will attract a libel suit. The cost—in both money and psychological wear—can be high, indeed—as seven case histories attest.

## "Stay Right Where You Are, Geraldo Is Coming!"

by Jane Howard

He's New York's best-known television newsman. He's Kurt Vonnegut's son-in-law. He exposed the Willowbrook scandal on WABC-TV. He leaps up slum stairs in a single bound, with camera crew right behind. He's half-Jewish and half-Puerto Rican, and may want to be mayor some day. The people's choice (sort of)—Geraldo Rivera.

Page 11

## Here's to Old Blue Eyes (59)

by Alexander Cockburn

The coming to Australia of Frank Sinatra—"aging crooner," "stocky singer," and "friend of gangland figures"—was a major story in that country's newspapers. But when "the Voice" insulted the national press, the fun had just begun. The author, doing it his way, puts things in proper focus.

Page 15

## Column Two

by Richard Pollak

As [MORE]'s Washington editor, Brit Hume, reported last month, *New York Times* managing editor A.M. Rosenthal chose not to run a lengthy investigative piece by reporter Denny Walsh on San Francisco Mayor Joseph Alioto. Now Walsh has been fired.

Page 2

## Hellbox

The politics of "Doonesbury" prove too hot for some editors . . . . *The Washington Post's* New sports editor . . . Journalism around the nation: Louisville, Ky. . . . *The Times* fights to run help-wanted ads from South Africa, land of apartheid . . . Rosebuds to Ronald Ziegler, who will need them . . . . Corrections.

Page 3

## Furthermore

by Joseph Epstein

After Wall Street and Madison Avenue, the American public is hungry for a new villain. The author suggests that our latest bad guy could very well be the Media.

Back page

# [MORE]

SEPTEMBER 1974

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# COLUMN TWO

## The Firing of Denny Walsh

BY RICHARD POLLAK

I am not privy to A.M. Rosenthal's views on the White House plumbers, but I suspect that like all right-minded journalists the managing editor of *The New York Times* properly deplored that unsavory band. Thus, I confess a certain astonishment upon learning that soon after [MORE] printed an article last month dealing with an unpublished *Times* manuscript, Rosenthal set up a plumbers unit of one to find out how the manuscript came into our hands.

The leak-seeker in this instance was the paper's national editor, David R. Jones, who until he took up the pipe wrench for his boss had performed admirably in this matter. As Brit Hume, our Washington editor, reported last month, it was Jones who argued to the point of shouting that Rosenthal was wrong in wanting to spike Denny Walsh's lengthy investigative article on Mayor Joseph Alioto of San Francisco. Rosenthal prevailed, however, and the article was killed, infuriating Walsh, who had put in more than three months stitching it together.

After Hume's article came out reporting some of the contents of Walsh's manuscript and describing the collision over it, Jones called the reporter, seeking to find out how we had obtained the copy. Walsh replied, truthfully, that he had not given it to us; but when pressed by Jones he conceded that it had been read by a colleague in the *Times* Washington bureau and, subsequently, been sent outside the paper. At first Walsh refused to name the reporter because he did not want to involve him. Jones was unrelenting, however, and Walsh finally explained that after the Alioto article was killed he had sent the manuscript to *Rolling Stone* at the suggestion of Seymour Hersh, author of *My Lai 4* and *Coverup*, and perhaps the *Times*' best investigative reporter. Once this information was digested in New York, Walsh was told to report to Rosenthal's office on Friday, August 9.

Meanwhile, Jones stayed on the case. On August 7, he asked Walsh to get Hersh (vacationing on Martha's Vineyard) to call *Rolling Stone* and find out if the manuscript had been copied and made available to anyone outside the magazine. Hersh told Walsh he would do so only if he could tell *Rolling Stone* exactly why he was calling, since he regarded it as an insult to the magazine's editors to ask such a question. Walsh relayed the message to Jones, who told him to forget it.

The downfall of Richard Nixon, the

plumbers' overseer, forced Rosenthal to reschedule his meeting with Walsh for 10:30 a.m. on Tuesday, August 13. With assistant managing editor Seymour Topping sitting in to bear witness, Rosenthal told Walsh the Alioto article was a "secret investigative" piece he well knew would be widely disseminated if sent to *Rolling Stone*. Moreover, he told Walsh he was not to be trusted and that he had betrayed not only the *Times* but all investigative reporting. Indeed, Walsh's sin was the worst of its kind Rosenthal had seen in all his journalistic experience. When Walsh pointed out that trying to place articles that had been killed was hardly unprecedented at the *Times*, Rosenthal replied that the behavior of a few "burglars" on the staff in no way gave him the right to do what he did. At the end of an hour, Rosenthal fired Walsh with no notice.

This sorry tale is made no happier by the irony that crops up at this point. In the first version of Hume's article on Walsh, Alioto and the *Times*, he included a paragraph reporting that Walsh had sent the manuscript to *Rolling Stone*. There followed a good deal of lobbying—by Hume and others—seeking to persuade me that Walsh would be fired if the passage appeared. They were concerned because after the article had been sent to *Rolling Stone*, Rosenthal began hinting that the piece had not in fact been killed. All parties strenuously urged me to excise it, arguing that the information was marginal at best. With some misgiving I finally agreed—all the while thinking how foolishly jumpy everyone was to suspect that the *Times* would fire someone like Denny Walsh merely for sending a story the paper no longer wanted to another, non-competing publication.

When, after the sacking, I registered my incredulity with Rosenthal, he rolled out a complete set of High Principles in support of his decision (which, for the record, cost him "four sleepless nights" in the making). First and foremost was Property: Walsh created his manuscript on *Times* time and with *Times* money; thus, even in rejection, it belonged to the paper, not the reporter. If we accept this notion, of course, then the *Times* and Rosenthal are, in effect, censoring a man's work, a curious stance for such stout defenders of freedom of the press. Rosenthal also argued Confidentiality, maintaining that his and the paper's continuing fight to protect reporters from subpoenas and other efforts to get at unpublished information clearly applied in this case. But how? No one was seeking to expose Walsh's sources or to undermine confidential relationships inside the *Times*. A reporter was merely trying to get the fruits of three months' hard labor into print somewhere. Well then, said Rosenthal, what about the Other People, all those selfless, hard-working, never-heralded editors who helped Walsh prepare his manuscript? Didn't they have a say in whether it should be published elsewhere? Up until this point, I was unaware that the *Times* operated like Brook Farm; but I say three cheers, let the Other People vote on whether Walsh should be permitted to try and place his manuscript in another publication.

(continued on page 21)

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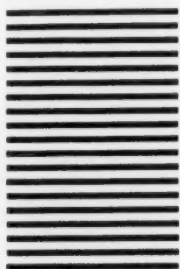
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# HELLBOX

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## Continuing Sagas

Garry Trudeau, the *enfant terrible* of syndicated comics, was censored again recently when his strip "Doonesbury" depicted Republican members of the House Judiciary Committee falling asleep during the impeachment debate. The prior restraint was not as widespread as it was last year when the strip's disc jockey, Megaphone Mark, described John Mitchell as "guilty, guilty, guilty" ("Muting Megaphone Mark"—July, 1973). According to John McMeel, president of Universal Press Syndicate, there were no formal complaints from any of the 355 papers that run "Doonesbury," but the snoozing was too much for the *San Francisco Chronicle*, which killed the July 23 installment. "We thought it was in bad taste," the *Chronicle* told [MORE]. The paper received approximately 2,000 calls from "Doonesbury" fans, outraged not only over the missing installment but also over unfounded rumors that the paper had permanently killed the strip.

## On Deck

"I'm not hearing any 'mother-knows-best' stuff, or even hints that he's getting the job because of her, and that's a big relief," says Washington *Post* assistant sports editor Robert Levey of the fact that publisher Katharine Graham's son, Donald, becomes sports editor this month. "Everyone seems to be satisfied that he's very competent and knows his sports. He's thrown a softball with us. He's a regular jock."

Graham's last job editing sports was at the Harvard *Crimson* ten years ago. But since then, he has been a Washington policeman, a metropolitan reporter and layout editor at the *Post*, and a reporter and writer at the Graham-owned *Newsweek*. Why the switch to sports? Says Graham, referring to his new boss, executive editor Benjamin Bradlee, "Well, Ben offered the job."

—PETER KAPLAN

## Double Standard?

A requirement that all radios selling for \$15 or more be equipped to receive FM as well as AM stations is the subject of pending federal legislation. On July 11, the Louisville *Courier-Journal* printed an editorial supporting the plan, noting that FM stations are often the only

source of emergency information for many small communities and that passage of the bill would make owning and operating such stations more desirable. They saw the bill as similar to the all-channel television law which requires UHF receivers on all television sets, thus increasing the public's access to educational television. The *Courier-Journal* concluded that "beyond the obvious commercial interest, there is a greater public interest" in passage of the bill. What the *Courier-Journal* did not say was that its owners, the Bingham family, also own WHAS, a classical music FM station in Louisville.

Enter WAVE. In an editorial of its own, the Louisville radio station declared: "The *Courier-Journal* wants to be thought of as lily white and virtuous . . . The *Courier* loves to jump anyone for failure to disclose any conflicts of interest. Yet they covered up the fact that they have a very definite commercial interest in this bill they endorsed." WAVE, acknowledging its own vested interest, opposed the legislation on grounds that consumers should not be forced to buy a product they don't want, and that the price of car radios would double (a contention which the bill's sponsors dispute.) But WAVE was more concerned with the *Courier-Journal* than the bill itself. "We admit our commercial bias," the editorial concluded. "The holier-than-thou *Courier-Journal* apparently thinks it's above doing that. What's that line about practicing what you preach?"

Three days later, Bob Schulman, media critic for the Bingham-owned *Louisville Times*, came to the *Courier-Journal's* defense. "Far from being 'a very definite commercial interest,'" Schulman wrote, "WHAS-FM . . . has cost the Bingham family almost three quarters of a million dollars since 1968 [1966 according to WHAS]. It's been a contribution, not an investment." Schulman argued that "it will be the pop FM stations that will be the big gainers" from the legislation, not WHAS. "While the FM audience was growing here this past year by 45%, the WHAS-FM audience share declined."

But T. Ballard Morton, president of WAVE, contends that any increase in potential audience is bound to be helpful. And Branch Boden, WHAS program director, also believes his station will benefit. He argues that his station has a small but loyal audience, which would certainly turn to WHAS-FM while driving if given the opportunity.

Still, Morton acknowledges that his

editorial was unusually strong by WAVE's standards. "There's an old story down here that sometimes you have to hit a mule with a two-by-four before he'll do anything," he says. Specifically, Morton complains that "they [the *Courier-Journal*] jump everybody else for failure to disclose everything, they call for open meetings, etc., now here's an example of failure to disclose on their part." Morton cites a series of internal *Courier-Journal* policies which, he says, carried the idea of protection against conflict-of-interest "to extremes." These include:

- Prohibiting *Courier-Journal* executives from having an interest in any firm which advertises in the paper.
- Paying for all books reviewed—"when the publishers don't even know what to do with the money," says Morton.
- Refusing to print the name of a commercial sponsor of a public event such as the "Marlboro Open" golf tournament.

As Schulman points out in his column, "When you get a national reputation as one of the straightest boys in town, everybody will be watching for slips."

—RICHARD WEXLER

## S. African Dilemma

Like many foreign nations, the Republic of South Africa has recruited job talent through the pages of *The New York Times*. Its ads, appearing two or three times a month, have publicized academic, business, managerial and other professional positions barred under South Africa's apartheid laws. Sept. 1972, the American Committee on Africa, joined by three other parties, filed a formal complaint with the New York City Commission on Human Rights. The complaint charged that the paper was in violation of a city statute prohibiting a newspaper from publishing employment ads that "discriminate, directly or indirectly, as to race, color or national origin." On July 19 of this year, the commission found the *Times* guilty of aiding and abetting an unlawful discriminatory practice—i.e., apartheid. The *Times* is appealing the decision in state supreme court. The trial is scheduled to begin Oct. 15.

The *Times'* general position on advertising freedom, enunciated most recently in a June 16, (continued on page 4)



# HELLBOX

(continued from page 3)

1972 editorial, holds that "in furtherance of the objectives of the First Amendment of the Constitution, [the *Times*] should keep its advertising columns open to all points of view no matter how strongly it disapproves of them." The *Times* is assuming the same First Amendment protection for the South African ads.

The complainants maintain, however, that the ads are not protected because they are "commercial speech." "You have to regulate commercial speech because citizens have the right to be protected from deceptive or offensive advertising," says Douglas Wachholz, of the Lawyers Committee for Civil Rights Under Law in Washington, one of the complainants' attorneys. In fact, Peter Weiss of the Center for Constitutional Rights, who is also defending the complainants, says that "the First Amendment argument is a false issue. The *Times* just has a visceral reaction against people telling them they've done something wrong." Both Weiss and Wachholz argue that a clear precedent against the South African ads was established last year when the Supreme Court ruled against the *Pittsburgh Press*, outlawing separate male/female want ads.

But the *Times* argues that since the ads do not read "whites only," the *Pittsburgh* case does not apply. Floyd Abrams, who defended the *Times* during the Pentagon Papers trial, is also in charge of this case. "How much is a paper presumed to know?" he asked during the commission's hearings last January, maintaining it would be a burden on the press to research all classified ads to guard against possible discrimination suits. "Do we reject an ad from Israel because of the Palestinians, or from the Russians because of the Jews? There's no end to it," says *Times* counsel Alex Greenfeld. "We would be making judgments about the entire social fabric of foreign nations before we've even run an ad." Jack Landau of the Reporters' Committee for Freedom of the Press agrees. "If the courts uphold this decision," Landau says, "the *Times* would have to make sure no foreign country that advertises has a law that violates a New York City statute."

The complainants insist, however, that South Africa is a special case—"the only country where racism is built into the country's laws," says Weiss. They are trying to prove that the words "South Africa" are synonymous with "whites only" and that the ads qualify as blatantly discriminatory commercial speech. Indeed, everyone on the *Times* side of the issue seems very uncomfortable about defending ads from South Africa. "Everyone in this building abhors that policy, but we have to protect the press on principle," Greenfeld told [MORE]. "If inroads are made here, the results could be disastrous."

—AMANDA HARRIS

## Correction

In the July 1974 "Hellbox," a photograph of the Widow Combs being carried from her land during a strip-mining protest was incorrectly attributed to *The Southern Patriot*. The credit actually belongs to the *Louisville Courier-Journal* and its staff photographer Bill Strode. [MORE] regrets the error.



Push comes to shove for Ron Ziegler.

Wide World

**R**OSEBUDS are normally reserved for weightier matters, but before all forbearance is spent on Squire Indigent of La Casa Pacifica, let us pause at whatever station of the cross this is that we've reached and try opening our hearts to his press secretary. Not wide, mind you. All we propose this soon after the siege is to lift a short warm beer about an inch and a half off the bar to Ron Ziegler. He was never more than two-thirds of the man for the job. Just to allude to his case history is to dissolve him into the tidier company of those West Side Story kids explaining social causality to Officer Krupke.

To get what he needed for his 2,028-day stand as the wind-up Victrola of the White House, Ron began in livery as a tour guide in Disneyland. He ended up high on the greased pole at J. Walter Thompson tending the Blue Chip Stamp, 7-Up, and Walt Disney accounts. And since he preceded and followed those ministrings with total immersions in all the Nixon setbacks and triumphs since 1960, it must have seemed to the fallen press secretary on his last flight west at the taxpayers expense that ever since he started working for a living he had never quite managed to get out of Disneyland. At the agency his spiritual adviser was H.R. ("Bob") Haldeman, and by the time Ron had absorbed all that wondrous teacher could impart, he was thought fit to say anything for the First Pharisee in the Oval Office. So it was H.R., the indicted conspirator, and Richard Nixon, the unindicted co-conspirator, who shaped all there was to Ron. What he lacked to be better blooded for his work in the West Wing were those special graces that so abounded in Charles Colson before he rediscovered his Redeemer on the road to Allentown.

Absolute falseness may seem one of the unattainable states, but the 37th President of the United States made a memorably long reach for it. There were the lies he lied himself, such as the claim that he wasn't a crook, that satisfied small children that he was. And there were the lies he had Ron lie for him, such as the one offered a year and a half back when Ziegler was sent out to say that the White House was not withholding any Watergate information. That one started

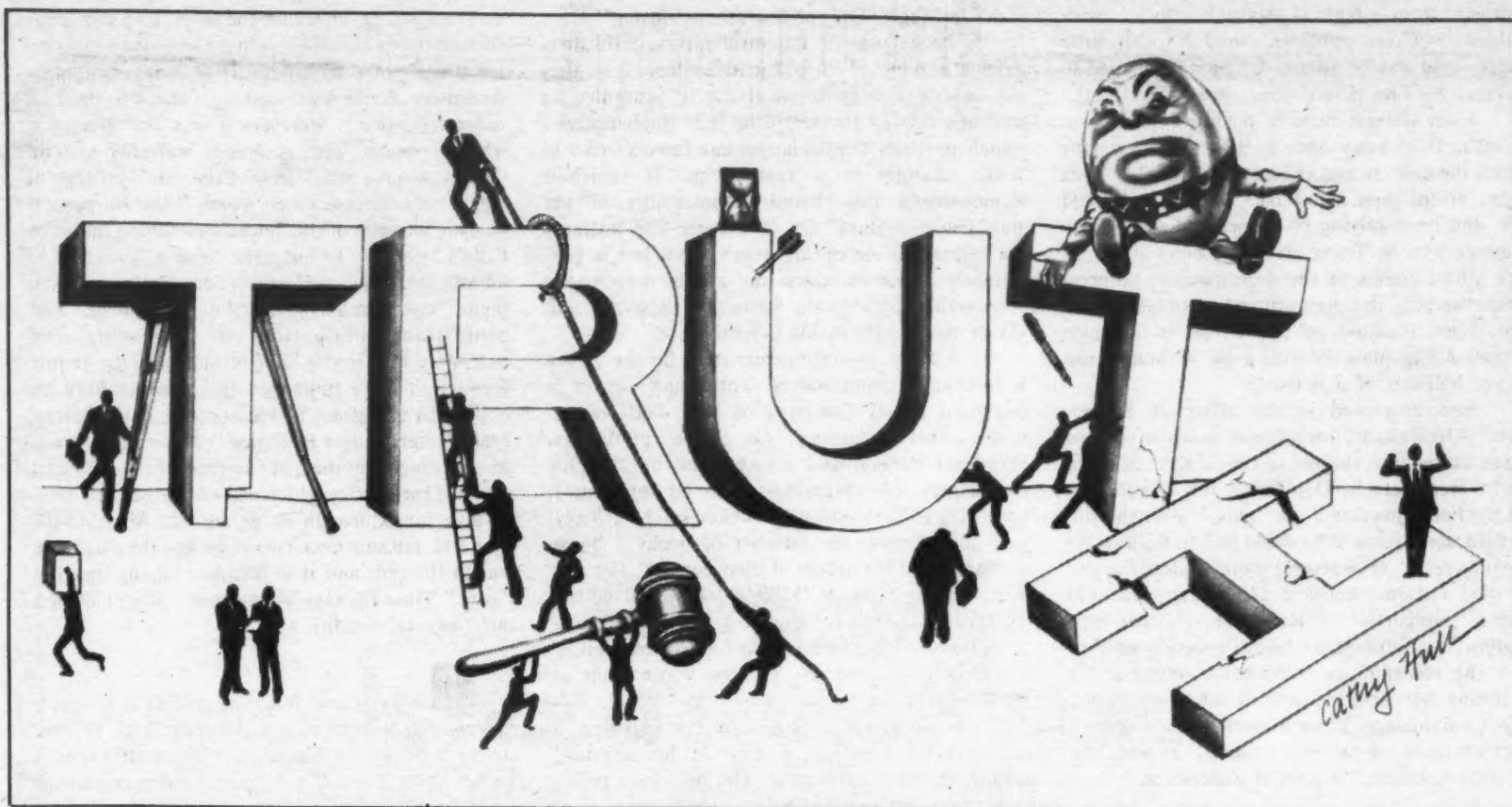
the great hoot crossing the country. Ron's own lies stood out because some of them still had some truth in them. It was Ron on his own who pronounced the Watergate job a third-rate burglary, and any way you want to look at it—his, the President's, the Attorney General's, Willie Sutton's—it was. Those outworn lies Ron dismissed as inoperative even as he laid out freshly-minted ones made him seem more the sport than the mount-bank once the house rules were posted and truth was regarded as off-limits in the briefing room. Up to then there were stuffy attempts made to put Ron to the revised Baker test of, what did the press secretary know, and when did he learn it? That led only to the great double face, John Dean. The day before the dumb show ended, farther up Pennsylvania Avenue, Dean was telling a committee how along with H.R. ("Bob") and John Ehrlichman he counseled Ron to "hedge and bob and weave without actually getting out there and lying." Then hedging and bobbing and weaving, Dean admitted, Ron actually got out there and lied.

I wish he had come clean the last times we heard from him. On the day of national deliverance he told us at noon that his Commander-in-Chief would have a few last words for us that night. But after the President's dodge and disclaimer was gone into the night, Ziegler said he was leaving town with—I must quote here—"a deep sense of respect for the country's freedom of expression and the strength of a free press." There was more, but you have had enough.

In our own merry removes from reality that afternoon we had worked ourselves up into baseless expectations that a great scene in the Human Comedy would be enacted on the telly that night as the President owned up to the fact that he was the encompassing crook he had said he wasn't. We wanted him to exult in it and look the assembled electorate in the eye and cackle out some Buchananized version of "I've got my bundle, citizens, and I'm leaving with it."

If Ziegler knew that nothing confessional of that sort was coming from the top, then he should have saved the day and fessed up. He could have told us about how he too had been had by the biggest enchilada of them all. When he had his last best chance to go straight, once again Ron misspoke.





Cathy Hull

## The Perils of Muckraking

BY DAVID M. RUBIN

Among the 30,000 new titles that flow from publishers' presses each year, a handful stand apart as testaments to the First Amendment—books bold enough to rake powerful institutions and hold newsworthy individuals up to tough scrutiny. Inevitably, such books often make powerful enemies, and the consequences for author and publisher can be exceedingly harsh. *Shadow On The Alamo*, a guide to corruption in Texas politics, was just such a book. Published by Doubleday in 1972, it seemed to launch a promising career for author Harvey Katz. Katz had established a local reputation for investigative reporting at the *Washingtonian* magazine, and his exploration of the Texas statehouse was supported in part by The Fund for Investigative Journalism. The book's index is studded with references to such Lone Stars as Lyndon Johnson, John Connally, Governor Preston Smith and Lt. Governor Ben Barnes. Few have heard of the book, however, because soon after its release the libel ax fell. The frightened publisher withdrew it from the marketplace, and Katz was plunged into a netherworld of financial, legal and professional uncertainty for which even he, a former Justice Department lawyer, was unprepared.

Filing a libel suit to cripple a book and its author—which happens, publishing sources estimate, about three dozen or more times a year—is an effective weapon even though a public official or a public figure has almost no chance of winning the suit in the end. The line of cases extending from *Times v. Sullivan* to *Rosenbloom v. Metromedia* requires a newsworthy individual to prove that, in defaming his reputation, a journalist acted with malice; that is, with knowledge that the defamatory statement was false, or with reckless disregard for its truth or falsity. The malice provision is so difficult for a plaintiff to surmount that on June 25 the Supreme Court, in *Gertz v. Robert Welch*,

**Filing a libel suit to cripple a book and its author is an effective weapon even though a public figure has almost no chance of winning the suit in the end— as Neil Sheehan, Seymour Hersh and James Ridgeway, among others, have found out.**

modified it a bit as it applies to private citizens, making it easier to sustain a judgment.

Despite the strong protection authors still have in commenting on public officials and public figures, they are in jeopardy because of something called an indemnity clause, which is found in almost all standard (so-called boilerplate) book contracts. When publishers take on muckraking books such as *Shadow*, they take certain precautions. Doubleday sent Katz's manuscript to a libel lawyer for a thorough reading. Bill Whitehead, Katz's editor, recalls that the lawyer "came up with twenty pages of queries. Harvey and I went over all of them with him. We changed a few things and answered everything to the lawyer's satisfaction." But to further protect itself, Doubleday required Katz to warrant, or guarantee, in the boilerplate contract that he had not infringed upon any copyright or written anything that was libelous, obscene or an invasion of privacy. In case he had, Katz was forced to indemnify Doubleday against any breach of these warranties by promising to bear all costs of any finally

sustained judgment against the book, and half the costs of defending all suits brought against it, no matter how mendacious or baseless. Such a warrant is commonly required of any independent artist, whether the field is music, drama, or non-fiction. The indemnity is not a Doubleday invention, but a standard feature of all book contracts.

Why would Katz sign such a time bomb? "I was told that if I wanted to publish the book I would have to accept the clause." Besides, he was confident of his research and felt he had not libeled anyone. "The potential problems of the indemnity clause did not enter my mind," he says. His agent, David Obst, recalls that he tried to modify the indemnity, but that Doubleday "dug in its heels" on that point. "The best change I could get out of them," says Obst, "is a promise that the author will be consulted before any out-of-court settlement is reached." The book was heavily advanced in Texas and got off to a good start, with 12,000 to 14,000 copies in the stores. Then the bomb exploded. A relatively minor character in the book sued for libel, charging that Katz had incorrectly tagged him with a misdeed committed by his brother.

Any publicity balloon a publisher has pumped up for a book is immediately deflated when a libel suit is filed. Why should the publisher risk additional punitive damages if the suit stands up? Salesmen are called off. Ads are cancelled. Thousands of copies of *Shadow* were returned by Texas stores. (Booksellers can also be named as defendants, though they rarely are.) Katz lost not only potential royalty income on the returned books, but a slice of a paperback sale as well. With a libel suit pending, Doubleday did not sell the paperback rights. If it had, would the paperback edition have kept the offending passage? If it were removed, would that be a sign of guilt? Better not to print at all. The legal department contacted the royalty department and froze Katz's account. Katz believes that defense costs are now around \$20,000, and the case is still being litigated. Since the book did not earn nearly that much, the as-yet-unearned

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royalties from Katz's second book with Doubleday—*Give*, published in July with little fanfare—will also be attached. "I am reconciled to not receiving one penny from *Give*," says Katz.

Even though Katz is paying a portion of the bills, Doubleday and its insurance company control the defense and choose the attorneys. Katz cannot afford separate counsel, which he should have, and he is relying on a friend of a friend to represent him in Texas on a *pro bono* basis. "I can't afford copies of the depositions," he complains, "so only the plaintiff and Doubleday have them. I can't afford to participate in my own defense. A big plaintiff with a lot of money can squeeze hell out of a writer."

Now employed in the office of Senator Walter Mondale to investigate charities in the United States (the subject of *Give*), Katz is bitter over his treatment by Doubleday. His relationship with the house became quite "tense" after the suit was filed, and editor Whitehead had to fight to get *Give* into print. "For several months after the suit was filed I didn't know if Doubleday was even going to publish *Give*," Katz says. He was kept dangling on a request for advance money needed to finish the research. A third book intended for Doubleday was declined and is, at this writing, without a publisher. Years of work on the first two books are likely to net him nothing. "It was," he says with restraint, "a painful experience."

**B**ut not a unique one. Scores of writers, from stars to rookies, have suffered the same financial and psychological trauma (page 8). The combination of a libel suit and an indemnity clause poses a serious challenge to freedom of speech. As Irwin Karp, who has fought indemnity clauses as counsel to the Author's League, points out: "Even worse than the money an author could lose, this clause can lead to self-censorship and act as a barrier to First Amendment freedom. It is having just the opposite effect of the *Times v. Sullivan* case, which hoped to free the press from fear of libel suits so that the marketplace of ideas would be open. This clause forces additional caution onto authors of books in controversial areas. The effect is opposite to the thrust intended by Supreme Court decisions."

Not all authors find themselves in equally precarious positions because indemnification is, to a degree, negotiable. Literary agent Robert Lescher, who represents Neil Sheehan and James Ridgeway and thus is familiar with the problem, outlines three common variations of the indemnity clause. Best for the author is an indemnity requiring that he or she pay only in case of a finally sustained judgment; the publisher bears the costs for all suits which fail. Publishers occasionally agree to such an indemnity. As additional protection, an agent can try to negotiate a limited liability, so that the author cannot be forced to pay more than a fixed percentage of earnings on the book, even in the event of a finally sustained judgment. A second, and common, position requires the author to share defense costs and bear entirely any finally sustained judgment. Katz, Ridgeway, Sheehan, and Seymour Hersh had this agreement. Worst is a complete indemnification by the author. Ovid Demaris, Hank Whittemore and Paulette Cooper are in this category.

The bargain struck depends on the clout of the writer, how badly the house wants the book, the basic language of the boilerplate contract, the skill of the agent, and how determined the author is to protect his or her interests. Lescher has found that awareness of this area by authors is "relatively low, in part because of the obfuscation in the language of the agreement. Some authors don't know and don't even care to know. Some are ambivalent,

some lethargic. Only a few are indignant."

In defense of indemnification, publishers offer a number of curious justifications. It is, they say, a sort of *in terrorem* clause to guarantee an author's fidelity to the truth. It is the whip with which an editor or libel lawyer can force a writer to make changes in a manuscript. It somehow demonstrates the shared responsibility of the publishing venture. Or it assures the author's cooperation in defending a suit. This last is particularly ludicrous, since any author even partly responsible for a finally sustained judgment will gladly participate in his defense.

A more accurate explanation for the clause is insurance requirements. The major carrier is Seaboard Surety Company of New York, which writes libel insurance for book publishers, broadcast stations and ad agencies, but not for newspapers or magazines. Annual premiums, according to Seaboard underwriter Joseph Hickey, vary according to the number of books a house publishes and the nature of their content. The cost of minimum coverage (\$100,000/\$200,000 with a \$5,000 deductible) can range from only \$1,500 for a small house whose list has little topical non-fiction, to \$15,000 or more for a large house such as McGraw-Hill.

In applying to Seaboard for a policy, a publisher must enclose a copy of his standard author-publisher agreement. The insurance policy itself states that a publisher "... shall obtain from each author, artist, or other independent supplier of such published material, an agreement of indemnity. ... The coverage under this policy shall not apply to any claim or suit arising out of the publication of any such published material where there has been a breach of this condition by the insured." One officer at Seaboard puts it this way: "To the extent there is any modification of the indemnity clause by the publisher, which shifts responsibility from the author to the publisher, then the publisher must assume that portion of the risk. That is their burden, and they know it."

Seaboard demands the indemnity, explains this same official, because the company has no knowledge of, or control over, the works of the authors they are ultimately insuring. "The responsibility, dollar-wise, for what is written should remain with the person who wrote it," the man from Seaboard says. The clause is the only way the insurance people can control the author. They are afraid to leave policing entirely up to the publisher—perhaps with good reason. Most publishers only pay for a libel reading and do none of the fact-checking found at a handful of magazines. For this they rely entirely on their authors. Lyle Stuart did not even give the Demaris book an outside libel reading. So it's hardly surprising that the insurance companies are nervous.

**L**ibel suits are, of course, also filed against writers for magazines and newspapers. Yet reporters and magazine contributors are not nearly so vulnerable to suits as book authors. The case of George Crile is a sad one for all concerned, but not so bad for Crile as it might be. In November, 1972, *Harper's* printed an explosive, detailed, investigative piece by Crile titled "A Tax Assessor Has Many Friends," and subtitled "The story of Tom Fadell, his rise to power in Gary, Indiana, and why he will probably stay there." Assessor Fadell is still in Gary, suing *Harper's* and Crile for libel. Legal fees are now in the pocket calculator range. Says *Harper's* editor-in-chief Robert Shnayerson, "The total has not yet reached \$100,000, but it might."

Magazines play the warranty game by different rules, if they play at all. Freelancers do not sign contracts in advance. When they endorse

and cash the paycheck for the piece, they sign away various rights and often assume an indemnification for breach of warranties. (How many struggling freelancers could resist cashing a check to fight an indemnification?) Shnayerson says that *Harper's*, which operates with a similar warranty system, "could divorce itself from Crile, and perhaps it would not cost us as much money." But *Harper's* is bearing all costs of the defense, including those for Crile's attorney. To cut Crile loose might seem to admit culpability on *Harper's* part. But more to the point, says Shnayerson, "We have moral and professional obligations in supporting and defending him to the limit of our capacity. It just seems that if we published the piece we have an obligation to defend it. He becomes our reporter, even though he is a freelance." This stance comes from a magazine that, at the time of the suit, had an insurance policy which did not cover legal fees. (It does now, through its parent, the Minneapolis Star and Tribune Co.) Two years ago the magazine was in the red, and it is just now edging into the "grey." The suit, says Shnayerson, "hasn't helped our financial condition."

**H**ow typical of other magazines is *Harper's* largesse? It is hard to tell. Murray Teigh Bloom, active in Society of Magazine Writers affairs, says he has never heard of a magazine doing to a writer what book publishers have done to Katz et al. Norman Cousins at *Saturday Review/World*, Carey McWilliams at *The Nation*, and Edwin Fancher, until recently at *The Village Voice*, all say their publications would bear all costs in a libel action, unless they determined the author had acted in bad faith. *The New Yorker* has paid all costs in the successful defense of the three libel suits filed against it in the past 29 years.

But there are at least two instances of magazines failing to back up their writers. Charles Rembar, an attorney for William F. Buckley in the celebrated Buckley-Gore Vidal libel suit, says *Esquire* did not pay Vidal's legal expenses, but that Vidal probably did not expect it to. *Atlantic Monthly* and CBS are being sued by Lt. Col. Anthony Herbert for a CBS program entitled "The Selling of Anthony Herbert" (February, 1973) of which Barry Lando was producer, and for an article Lando wrote for the magazine which grew out of that show. Both ridiculed Herbert's charges that Army superiors covered up Vietnam atrocities. *Atlantic Monthly* has no libel insurance, and editor Robert Manning says it is not paying Lando's counsel. But attorney Richard S. Green, who has been retained by CBS, says he is defending Lando for both the documentary and the magazine article, and he has not tried to separate his services for Lando on behalf of the *Atlantic* piece, even though CBS is paying the bills. So Lando has not been deserted. (For CBS, the Herbert affair is not without its Gilbert and Sullivan dimensions. Holt Rinehart & Winston, which is owned by CBS, published Herbert's book, *Soldier*, which CBS News then debunked in the Lando documentary. Herbert's book royalties from Holt are helping to finance his libel suit against CBS, and Holt has in turn been sued for libel by two men named in Herbert's book. So CBS is paying for attorneys, directly or indirectly, on three sides of two suits, all stemming from the Herbert book.)

Some 1,400 daily and weekly newspapers, plus their subsidiary companies, are insured by Mutual Insurance Company, Ltd. of Hamilton, Bermuda, a group insurer for members of the American Newspaper Publishers Association since 1963. Arthur B. Hanson, general counsel of the ANPA, estimates that some 1,100 suits have been filed against newspapers in the last 11 years. Within the last few weeks, an Italian banker filed a



# Garbage is not a smelly word.

Today's tale begins with a rotted cartridge belt in New Guinea. A team of U.S. Army scientists scraped a sample of fungus off the belt and sent it back to the Army Laboratory in Natick, Mass.

The object: to learn more about how jungle rot attacks equipment and clothing.

The research people at Natick were fascinated by the fungus. It was a greedy strain that rapidly reduced large amounts of cotton to small amounts of glucose. A thought came: Would this be a way to get rid of old rags, waste paper, garbage, and other kinds of solid organic waste?

They nurtured the fungus. Greedier mutants were produced and studied. One mutant is a real glutton; it may be the key to a new process that will help dispose of municipal trash by converting a large part of it into glucose.

Glucose is a form of sugar. It can be made into molasses to feed farm animals. It can be consumed by other microorganisms to make protein for animal or human consumption. It also can be fermented into ethyl alcohol.

You can do lots of things with alcohol. It's an industrial solvent. It's a chemical "building block" for making many useful products.

You also might run an automobile on a blend of gasoline and 5 to 10% alcohol.

That could stretch our future gasoline supplies.

Which is why a Mobil research team, including a microbiologist, visited the Natick lab. The team reported: "It's long-range. They need time to develop a commercial process. But it's promising."

Meanwhile, another government research group—at a Bureau of Mines lab near Pittsburgh—has developed a way to change garbage directly into oil, without going through the glucose stage. They plan to build a pilot plant this year to test their new process.

Other developments are even more advanced. In St. Louis, the Union Electric Company consumes 300 tons of trash a day. First it separates the tin cans, bottles, and other materials that can be recycled. Then it burns the high-energy trash (garbage, plastics, paper, wood) to generate electricity.

Connecticut plans to build ten regional plants to do the same on a state-wide basis.

Trash has some advantages over oil, natural gas, and coal. It's renewable. We don't have to buy it from foreign countries. And we have to dispose of it anyway.

All of a sudden, garbage is beginning to look more like a national resource than a public nuisance. It's no longer a smelly word.

## Mobil®

\$30 million libel suit against *The New York Times*, *Washington Post*, *Wall Street Journal*, and *Journal of Commerce* for articles concerning his role at the Franklin National Bank; and *The Boston Globe* was sued for \$20 million for its coverage of the gubernatorial candidacy of Peter Fuller. Customarily, the newspaper reporter is not even a defendant in a libel suit, and staffers are covered by the paper's insurance policy. About five years ago, for example, the *Washington Star-News* was sued for libel by a Virginia conference center because of an article written by reporter Bob Walters. Repeating a quote he picked up at a news conference, Walters wrote that the center was supported by State Department and CIA funds. The center charged it lost business because of Walters' story, which was wrong on that point. The case went all the way to trial, but Walters' obligation was only to testify on one occasion. "The paper minimized the agony for me," he says. "They said I should just go about my work—that I did what I was supposed to do by reflecting the information available to me. They treated me very, very well." The paper handled all legal costs, including a settlement with the center. Walters remains a national political reporter with the paper.

At least one publisher, Marshall Field of the *Chicago Sun-Times* and *Daily News*, thinks reporters are too secure. In a recent, widely publicized speech, he suggested that the credibility of the media might be improved if reporters were personally more vulnerable to libel suits. "I believe," he said, "that if a person can show, after the fact, damage to himself or herself, that person should be able to sue the writer, as well as the communications company for negligence, even if there is no malice." Soon after, Mike Royko in his *Daily News* column, twitted his boss for a "silly" proposal, because "most reporters have nothing but debts" anyway. "So if anybody gets sued," Royko writes, "it is usually the publisher, because if there's any dough around a newspaper, that's where it's at. In a way, you can't blame Mr. Field for not liking the arrangement. But that's one of the problems of being rich."

**C**learly a libel suit is much more dangerous to the writer of books than to journalists in other mass media. One obvious solution to this inequity is libel insurance for the individual author, or group of authors. This has been a dream for many years, but most insurance companies are loathe to write it for publishers, let alone individual authors. The companies feel they cannot effectively police this area or judge what might or might not be hazardous for them. Three or four years ago a few houses permitted some of their star authors to ride along as additional insured parties on their policies, but this practice has ceased. Recently Shirley Camper Soman was able to purchase a personal libel insurance policy on her book *Let's Stop Destroying Our Children*. According to her insurance agent Kenneth Bieber, such policies are only written for a given work and the manuscript must be submitted to the company for evaluation. And it's not cheap. Bieber says a \$1 million policy with a \$2,500 deductible costs \$800; \$500 for a \$100,000 policy. Bieber and Soman believe the policy is unique.

Both the Society of Magazine Writers and the Author's League have pursued group libel insurance for their members, with no success. James Ridgeway suggests formation of a writers' union or a writers' cooperative publishing company, which would protect its members against suits and rely on the established houses for distribution only. Ridgeway's friend and attorney Paul Rheingold, who frequently prosecutes libel

## 'There is no way of measuring the

*In researching this article I encountered nearly a dozen books whose authors and publishers are (or were) facing the test of a libel suit. I had leads to others, and undoubtedly there are dozens more—how many more no one in the industry knows for sure. A few of the books appear below. In some cases, particular details of an author's distress have been left out at the author's request.*

### Captive City by Ovid Demaris

"The word is out all over the courthouse," a Chicago friend told Ovid Demaris. "They're really going to get you. They're going to make you pay for slandering the good citizens of Chicago." *Captive City*, an exposé of mob-business-politician interconnections in Chicago raised quite a few temperatures. "The mob wasn't going to shoot me," says Demaris. "They were just going to make me pay money."

Five libel suits were filed against him, and a sixth resulted from a television appearance by the author. Demaris believes all of them were coordinated, or at least financed, by a single group of angry men in Chicago. He has beaten all the suits except one, although it took a Chicago judge five years to dismiss one of them. The suit that remains concerns the omission of the word "not" at a crucial point in the book, so that two Chicago cops with the same name—one a blameless bodyguard, and the other a drug dealer who killed one of his own pushers—appear to be the same individual. Demaris says it was a typo. A Chicago jury found malice and awarded the bodyguard \$13,000. Demaris is appealing.

He doesn't know how much all this has cost him because he hasn't had a royalty accounting from Lyle Stuart, *Captive City's* publisher, in years. His agent, Ted Chichak of Scott Meredith, corroborates this. (Demaris signed with Stuart "as a last resort" because no other house would publish the book. Both Simon & Schuster and Prentice-Hall, Demaris says, had agreed to publish it but were scared off by the threat of libel suits. Stuart is not afraid of suits.) Demaris received a \$1,000 advance and a single \$10,000 royalty payment. He estimates the book sold 60,000 copies. It earned \$15,000 in a paperback sale and additional monies from English rights and a book club. This money he has not seen. Stuart says legal expenses to date are \$45,000, but claims he has stuck Demaris with just \$10,000 of the bill, although the indemnity clause entitles him to make Demaris pay to the limit of his resources. "I don't want him to suffer," says Stuart. "I don't think he can handle all \$45,000 of it." The two have reached a truce of non-communication.

### The Closed Corporation by James Ridgeway

"I've been concerned about libel since the day I started newspaper work," says James Ridgeway, who is perhaps best known for his contributions to *The New Republic* and *The Village Voice*. "One thing I told those guys [at Random House] about *The Closed Corporation*—You have got to cover me on this thing. They said, 'Don't worry about it. Everything's OK. Our lawyers looked at the

manuscript. It's OK.'"

Whereupon his first book, detailing the operation of universities, was sued, despite precautions, by Dr. William Hollander. Hollander felt his reputation as a researcher on the safety of drugs was damaged, to the tune of \$500,000. Ridgeway's source material came from *The Congressional Record* and from documents introduced in a civil damage suit brought against the Richardson-Merrell drug company. So privilege, at least, seems to offer an excellent defense. But lawyers must still be retained.

"The worst point is right after the suit is filed," Ridgeway says. "Your income is uncertain. Federal marshals keep turning up at your door. You get all these registered letters." He felt very much alone and afraid, and he criticizes Random House and his agent for not extending a few words of advice and support at that time. All along he has heard little from Random House (which has been paying the bills so far) and he doesn't even know if they intend to enforce the indemnity clause and come after him for half the legal costs. The case is now dormant, but not closed. It has never been to trial. "I've struggled to make a modest little niche for myself in journalism," Ridgeway says. "I'm not impoverished. . . . But if they come after me for half the money, I'll have no choice but to go into bankruptcy." The book did not earn much more than the \$20,000 advance, if that, so there was little money to freeze in his royalty account. (It should interest Ridgeway to know that Random House *might not*, in a somewhat similar case, pursue an author into bankruptcy. The house was sued for potentially libelous statements in *The Negroes and the Jews* (1971) by Lenora Berson. The case came to trial, was dismissed on summary judgment, but ordered tried by a higher court. So legal costs are high. The book sold few copies and Berson says she cannot absorb her half of the bill. Random House attorney Richard Udell says the company "may not" force her to pay, since they "don't see how she can." Berson was not named as a defendant in the case, and that might have some bearing on their decision.)

Ridgeway has not retained an attorney. "I decided the best thing I can do is nothing. If I move in any direction it will cost me \$75 an hour. The less I do, the better off I am." And, he adds: "There is no way of measuring the psychological effect of this thing on me. It has different effects on different people. It might have made me practice self-censorship. I don't know."

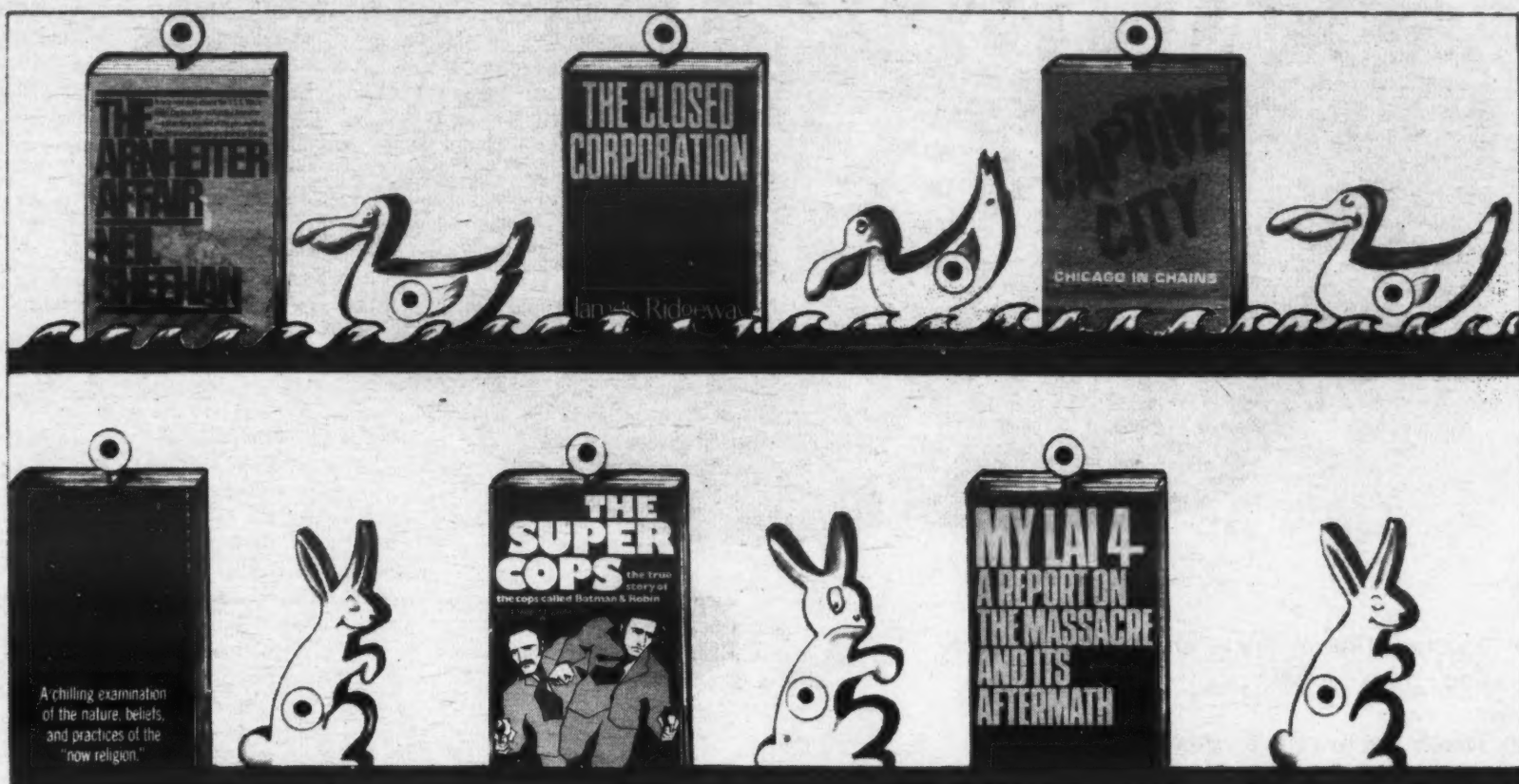
### My Lai 4 by Seymour Hersh

Seymour Hersh guesses that 10 or 12 libel suits would have resulted from *My Lai 4* if the Army had not made its own investigation before the book came out, settling many of the facts. The one suit that was filed, by a member of the Army unit, was for \$110 million. That suit was dismissed on a motion for summary judgment. Nevertheless, Hersh paid \$7,000 to Random House for legal costs, and \$3,000 more to his own lawyer. ("You've got to be mad not to hire your own attorney," he says.) The book earned about \$40,000 all told, so 25 per cent went to fighting a nuisance suit.

Yet Hersh, a member of *The New York*



psychological effect of this thing.'



Cathy Hull

Times Washington bureau, harbors no bitterness and is uniquely independent in his views on publisher-author libel agreements. "Not all authors work as hard as I do," Hersh says, "and a publisher could find himself in a real bind without that clause. Maybe, somehow, they should decide subjectively that some authors can be trusted to do their homework and some can't. But how can they make that decision?"

On his lawyer's advice, Hersh once tried to get his own libel insurance, but without success. He would look very critically at group libel insurance. "I'm not sure I'd want my rates computed on the research standards of others," he says. Besides, weathering a libel suit "is not a terribly high price to pay for exercising the First Amendment."

### The Scandal of Scientology by Paulette Cooper

The Scientology people are a rough bunch. They have sued George Malko and Delacorte for *Scientology: The New Religion* (1972), and they have brought seven suits against freelancer Paulette Cooper. The most important of them, which is still pending, is a suit asking \$1.5 million in California, headquarters for the group. And one of Cooper's own lawyers, whom she has already paid \$19,000 in legal fees, is suing her for an additional \$5,000. For her part, she is now suing Scientology for libel, invasion of privacy, harassment, and various other charges. "My assets are now deficits," she says.

She signed with Tower Publications because other publishers feared the suits from Scientology; at least, that is what she believes. She was warned that Tower would not help her defend the suits. "It was my first book," she says. "I didn't know about indemnity clauses." Her total receipts from Tower have been a \$1,500 advance, and she has no idea

how many copies the book sold. "It's made me more cautious," she says. "I turn down offers now if I expect trouble. This has been a loss in every possible way."

### The Arnheiter Affair by Neil Sheehan

Neil Sheehan is but one of many to match lawyers with the Navy's Marcus Aurelius Arnheiter, who has also sued Time, Inc., NBC, Metromedia, *The New York Times*, the Navy, and the assistant chief of naval personnel. Indeed, Sheehan has been sued three times—once for the hardback *Arnheiter Affair*, once for the paperback, and once for a TV appearance. Discovery is proceeding on all three cases, and summary judgment has not yet been requested. "Discovery is a tremendous burden," says Gerald Hollingsworth, counsel for Random House, Sheehan's publisher. "Neil is an extremely conscientious person. When he sits down to provide answers to counsel, he goes through eight feet of research materials to make sure his answers are accurate."

Hollingsworth says Sheehan has spent most of the last few months fighting these suits, and for a freelancer, time is money. (Sheehan is on unpaid leave from *The New York Times*. He is now writing a book about senior U.S. adviser to South Vietnam and Medal of Freedom winner John Paul Vann.) In addition he is sharing legal costs with Random House and is paying for his own attorney in Washington. Sheehan declined to estimate what this will cost.

Proudly, he says, Random House "was not intimidated by this man. They published the book despite his threats. He was trying to intimidate them and he did not succeed. This is very important for the exercise of First Amendment rights. It is frequently public figures who make these

kinds of threats. The kind of people who threaten to sue, and do sue, are people about whom there is reason for public discussion, who do not want unfavorable publicity about them, and who have access to a lawyer."

### The Super Cops by Hank Whittemore

"At first when the suit was filed," says Hank Whittemore, "I thought it was a joke. But my lawyer told me it was serious, and to act as if we might lose. So we are behaving that way. . . . But we are talking \$10,000 or more in expenses already for a suit which is completely off the wall."

Of all the books mentioned in this article, *The Super Cops* is by far the most successful: eight weeks as a hardback bestseller; two million copies sold in paperback; book clubs; foreign rights; a movie sale to MGM. The plaintiff, a New York City police captain, is asking for \$2 million. Whittemore can afford to settle out of court and perhaps save some money. But he won't. "First," he says, "it's against my own personal integrity. Second, if you do it, you'll have a line waiting at your door picking hundred dollar bills out of your pockets."

The suit was filed in late 1973 and is just at the deposition stage. The indemnity clause in Whittemore's contract with Stein & Day, his publisher, requires him to bear all legal costs. His first book was a biography of the controversial transit union leader, Michael Quill, and no one sued him. "So I had never thought about being sued before," he says. "That's the kind of thing you tend not to bother with. You say everything is going to work out O.K. Only later, after the suit is brought, do you become a businessman."

—D.M.R.



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- \* *Time's* Los Angeles bureau asked us to stop sending our newspaper to them.
- \* The L.A. police won't give our fully professional news department press passes.
- \* Hardly any big, national advertisers will give us the time of day.
- \* The *Wall Street Journal* hasn't even done a front-page feature on how a newspaper can be directed toward an almost totally secret audience, have zero capital at its start, and yet grow to an average paid circulation of 37,828 for 1973's last quarter (that's what the Audit Bureau of Circulations tells us).

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We just want you to know that we're around and that we're proud to be a member of the journalism fraternity, serving our readers in the best traditions of the profession. We wish that other newspapers would remember those traditions, too. But then, if they did, we wouldn't need to exist at all . . . would we?

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**EXTRA ADDED HOT FLASH:** *Editor & Publisher refuses to print the above ad unless we delete all the names, including mention of the L.A. police.*



# "Stay Right Where You Are, Geraldo Is Coming!"

BY JANE HOWARD

Where is it written that a muckraker may not gambol, after his muck is raked, with fashion designers or rock stars or convicts or whomever on earth he pleases? Nowhere, right? Okay then, Geraldo Rivera wonders, how come certain people are so hard on Geraldo Rivera?

Not, mind you, everybody. Not, for example, the public. "It should always be the way it is now between me and the public," says Rivera, who can scarcely make his way down West 66th Street (not that he would ever wish to) without being pointed at and sometimes besieged by rapt strangers who recognize his mustached face and big chin from New York's nightly WABC-TV "Eyewitness News."

The longhaired newsman's exposés of welfare hotels, overpriced pills, the drug crisis, and especially his ten-part 1972 series called "Willowbrook: The Last Great Disgrace," which caught the horrors of a Staten Island state "school" for the retarded—have made Rivera an authentic folk hero, particularly to others with, as they say, hispanic surnames. He is seen as a champion of change sent from on high to smite all who would harm underdogs.

Less universally is he perceived as a competent host on his eclectic 90-minute variety show, "Good Night America," aired at 11:30 p.m. on alternate Thursdays as part of ABC's "Wide World of Entertainment." Half live and half filmed, the show shifts from chatter with David Cassidy, who says "I feel real good about giving up concerts," and Edith Irving, who says interest in her husband Clifford "from now on will be from the belt up," to grimmer stuff about legalized prostitution, or babies born addicted to heroin.

Ratings for the show, billed as "a second-generation TV newsmagazine," have been encouraging, and approving reviews have appeared in Seattle, Montreal, Chicago and Hollywood, among other places; but it galls Rivera not to be more acclaimed at home. In *The New York Times*, which as he points out is the paper his wife reads and their friends read, John J. O'Connor went so far as to call the show "dreadful," "fawning" and "embarrassing," and to suggest that "Mr. Rivera keeps tripping over anxiety about his own celebrity."

Critics without portfolio, of whom several announce themselves at every mention of Geraldo's name, tend to agree. They accuse him of that sixth-grade shortcoming: conceit. They say that his achievements to date justify neither his \$100,000 annual salary nor his unabashed and fulsome self-esteem. They add that he ought to stick to what he's good at, which is the turning over of rocks, and leave to others what he's inept at, which is the subtlety of interviewing. "You are nothing but a sheeny spic," an anonymous letter-writer advised Rivera, who in fact is Jewish as well as Puerto Rican. "Go back to the garbage where you belong." Rivera sent a copy of that letter to O'Connor, with a covering note saying, "You deserve Johnny Carson."

"I don't let all that bother me," says Rivera, but plainly it bothers him like a bad sunburn. He is willing to admit certain shortcomings—his singing voice, for example, is "like a kangaroo's"—but

**Who is this Geraldo Rivera, ABC's reporter-cum-entertainer-cum-superstar? Is he a swashbuckling muckraker? A name-dropping opportunist? A savior? Or a phony embarked on a one-way deluxe ego trip with no return ticket?**



Marty Norman

Jane Howard is the author of *Please Touch* (McGraw-Hill) and, most recently, *A Different Woman* (Dutton).



**Around Town With Geraldo:** Clockwise, from bottom left: Geraldo dons wet look for number with Sha-Na-Na on his "Good Night, America" show; with Chubby Checker announcing latest tally on One-to-One telethon; trying out life as a blue collar worker for an "Eyewitness News" series; on location at a maternal health center in New York; with Marx Brothers on "Good Night, America;" at New York Croquet Club in Central Park with Debbie Reynolds; with Sly and Mrs. Stone; on assignment in Harlem.

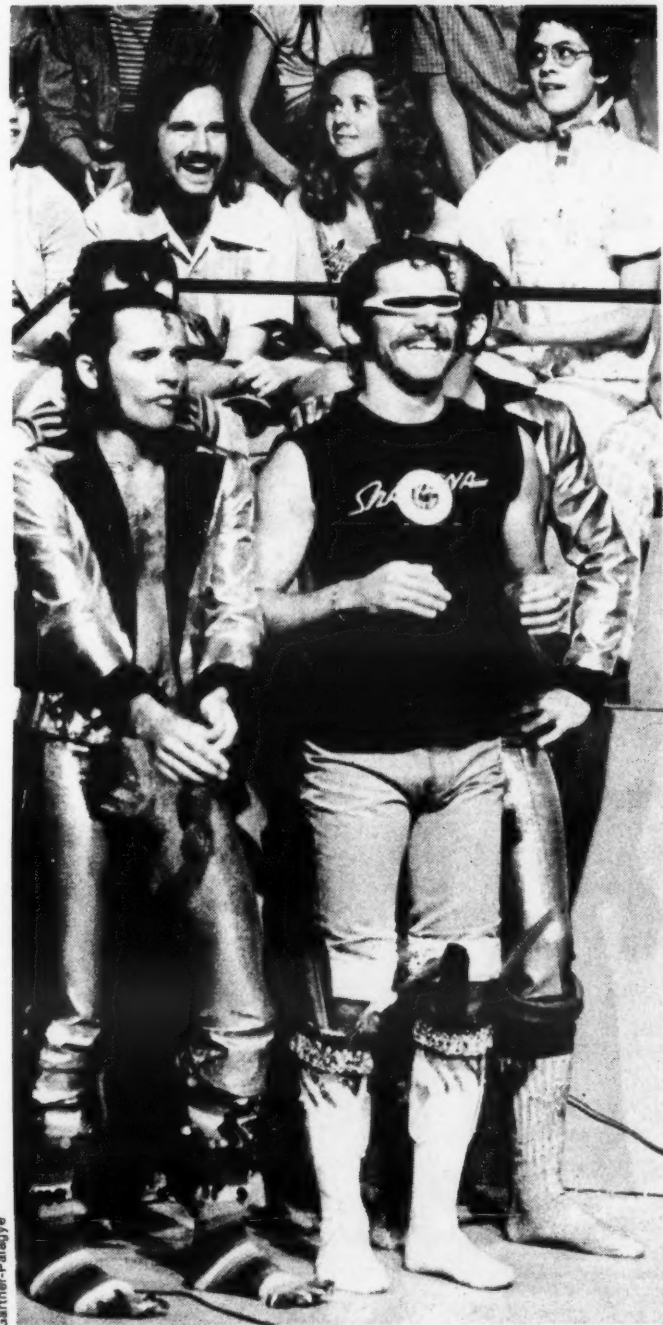


Charmian Reading

Charmian Reading



Charmian Reading



Gartner-Palagye

slurs bewilder him. Awards, 91 of which cover the walls of his parents' house in Babylon, Long Island, are more his style. He has won the Peabody Award, the Columbia-DuPont, and five Emmys. He has good-naturedly donated his cut-off blue jeans to a special Levi fashion show, and danced at Sly Stone's wedding at Madison Square Garden. Prominent on his office wall is a framed photograph of Geraldo with his father-in-law, Kurt Vonnegut, Jr., Senator Jacob Javits, and Frank Sinatra. He has come to refer to himself, as politicians do sometimes, in the third person. "Can you imagine?" he marveled on camera as rock musicians from the group called Sha-Na-Na messed him up with hair grease, "Geraldo Rivera with the wet look!"

"Stay right where you are," he once told a Bronx woman who had phoned to report rats on her premises, "Geraldo is coming." One could fancy him stepping into a phone booth to change clothes, then leaping tall buildings with a single bound. No need for that, though: Geraldo already does look like Superman. Skin-tight T-shirts reveal his excellent musculature, and at idle moments he is given to flexing his biceps.

For six months last year he ran a WNET-Channel 13 program called simply, "Help." Much advertised on bus billboards and elsewhere, the idea was: if you have a problem, tell Geraldo, who in turn referred the problems to colleagues from the New York University Law School. It was a good idea but it ran out of money. Besides, on three occasions Geraldo on "Help" competed with Geraldo on the 11 o'clock "Eyewitness News," which did not amuse ABC. Neither did the way he made his pro-McGovern sympathies public in the summer of 1972. (He had to take an unpaid leave of absence to help with the campaign.)

"People think I do flashy to be flashy," Geraldo says, "but I do flashy to do good." If he can attract a little more attention with the drop-pable names that turn up on "Good Night America," he figures, where's the harm? Where else will followers of Count Giorgio di Sant'Angelo and his string bikini models, or devotees of Hugh Hefner, learn about the social injustices Rivera covers? That's how he rationalizes the sybaritic

time he obviously was having lolling with Bunnies in Hefner's California pool. After the taped footage of Hefner was over, Rivera asked rhetorically: "Is he a sexist? Is he a bigot? Is he a good guy? He'll talk for himself, after this."

And what of Geraldo? Is he a swash-buckling muckraker? A name-dropping opportunist? A savior? A phony embarked on a one-way deluxe ego trip with no return ticket? Let's see how he operates. Will you welcome, please, our host . . . GERALDO RIVERA!

If I'm not out in 15 minutes, send the police up after me." Rivera, disguised in a glue-on beard and a rabbinical-looking hat, was about to sneak with a hidden camera and hidden tape recorder into the West End Towers, a wretched welfare hotel at 76th Street and Broadway. The 76th Street Block Association, outraged at the misery in their midst, had thought the controversy might be Geraldo's meat. It was, though by his standards it called for only moderate derring-do. Covering the story wasn't as audacious as his motorcycle chase through a Jersey farm to report injustices to migrant workers, nor as dramatic as circling in a helicopter over oil tankers during the energy crisis, nor as dangerous as looking for heroin drop-off places in East Harlem. But still, it was risky enough. When he had been to this hotel a few days before, with a camera crew, a guard had attacked him.

As it turned out, the concealed equipment didn't work, but cameramen got in later anyway, and followed Geraldo upstairs for an angry confrontation with the hotel's manager. "Somebody lives here, goddamnit!" said Geraldo. "What're you going to do about it? Listen to me, Saul, I know how long garbage has to sit before it smells like this. I come from the slums."

As a matter of fact, he does. He and his wife lived until recently on Avenue C and Seventh Street, and he spent his childhood in the Williamsburg section of Brooklyn and an unprepossessing part of Babylon, Long Island, where his father worked in the kitchen at Republic Aviation. His parents' romance began in another

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kitchen, at Child's Restaurant on Sixth Avenue and 42nd Street. Lillian Friedman, of Eastern European Jewish extraction, was a counter girl, and Cruz Rivera, who had been deacon of a Methodist church outside San Juan, was a pot washer. The notion of a Puerto Rican son-in-law so alarmed Lillian's parents, in Newark, that Rivera converted to Judaism. Even so, they soon died—"literally," says Geraldo, "of shame."

"Puerto Ricans then were real niggers. My father's story is a classic case of racism. He was the valedictorian of his high school class, but even so he's had to spend most of his life washing pots. Even in the goddamn army he peeled fish along with the Filipinos." Soon, for the first time in his 58 years, the senior Rivera will wear a tie to work, in his son's office. "We can use a grownup around here," says Geraldo. "He'll answer the calls for help that come in Spanish. They come in all the time; people still hope. You should hear those calls—I don't want the Board of Health, I want Geraldo! Those requests for help we can't give are worse than any sniping reviews."

Rivera had never set foot in Puerto Rico until the summer he was 16. That was when he first was known as Geraldo, pronounced hispanically as if it began with an "H." He wants killed for good and all the rumor he has ever in his life been known as Jerry Rivers. Jerry Riviera, yes. Riviera is in fact the name on his birth certificate, because his mother thought it might sound vaguely, acceptably European, but never Rivers. His parents, who glory in their son's glitter, never once miss a taping of "Good Night America." In the studio they have an immediate and salutary effect on Geraldo's staff of starry-eyed hyperkinetics, who normally run around with clipboards and ask shirty questions like "what is the call in reference to?" But at the sight of the senior Riveras—whom they call Mama and Papa—they drop their clipboards and airs and do a lot of hugging. "We're a very emotional family," says Geraldo, the second of five children. "You should see how long it takes to leave after one of our family reunions—all those goodbyes take half an hour at least. I used to keep my parents in the closet, when I was at Arizona, but we've been really tight for the past eight or nine years."



Gartner-Palagye



Pictorial Parade

He went to the University of Arizona because he had a hunch they might let him in, which they did, and because as a child he had asthma. In that time he "wore madras shorts and penny loafers, played soccer at \$25 a game for fraternity houses, and tried to be something I wasn't. My whole time there was tacky, wasteful, irrelevant." He did get a diploma, though, which considering his checkered educational past was something of a wonder. His high school record was so lackluster he had to take remedial English and math at New York City Community College (where this past June, to his enormous delight, he gave the commencement address). Then came a couple of years at the Maritime College in the Bronx, and a couple more with the Merchant Marine, with cruises to such seedily thrilling ports as Genoa and Rotterdam. He came home, crisscrossed the United States, sold clothes in Los Angeles, did all manner of odd jobs, and made his way to Tucson, where he got a degree and found a wife—"a very art-oriented WASP." That marriage lasted a year.

Homesick for New York, he came back and went to Brooklyn Law School, supporting himself with more odd jobs to which he commuted by subway and motorcycle. In 1969 he got a fellowship in poverty law at the University of Pennsylvania, and a raised consciousness. Previously apolitical, he had become radicalized by the time he passed the bar examination in the summer of 1969. He set up shop as a storefront lawyer, representing, among other clients, the militant Young Lords, a Puerto Rican gang. Eventually disenchanted, he



Gartner-Palagye



Charmian Reading



began to think there must be more effective ways to change the world. "Besides, in my whole career as a lawyer all I ever collected in fees was \$200." When ABC, in its search for a conspicuous Puerto Rican newsmen, turned to Geraldo, and mentioned the chance of a job on "Eyewitness News," he jumped. By Labor Day, 1970, after a special course for minorities at Columbia University Graduate School of Journalism, the lawyer had become a reporter.

At a party the following February, he met Kurt Vonnegut's daughter, Edie, a painter seven years his junior who had just come back from Jamaica where she'd lived on a hippie goat farm with her brother. Ten months later Edie was Mrs. Rivera. If Geraldo's parents' union seemed ethnically unlikely, so, to some, does his own. "Oh, you're the one who married the German girl," said a B'nai B'rith woman as she handed him a Man-Of-The-Year plaque, unaware that Edie is German via Cape Cod and five generations of Indianapolis. Her father marvels at his "genetically unusual" son-in-law, whom he finds "swift, efficient, punchy, in everything he does. He takes a lot of chances; he utterly believes in reform—in teaching people things they didn't know. He has good, fast instincts. You should see him play football in Central Park, or drive to the Hamptons for the first time ever, viscerally figuring out the best way to avoid traffic."

**B**y now Geraldo knows the Hamptons well. He drives there every weekend, from his 39th floor one-bedroom apartment near ABC, to join Edie. She stays there all summer to work on her paintings, which resemble those of Edward Gorey, and to read—"catching up on old classics like *The Diary Of Anne Frank*." The Riveras share their rented farmhouse, with its backyard swimming pool, with the doelike Panamanian entrepreneur Louis Martinz.

Outside is parked Geraldo's blue Volkswagen convertible, with its NYP plates, but this weekend he didn't drive it out. This time he arrived in a rented car, which to his boyish delight came with mysterious bullet holes in the windshield. Inside the house is a ping-pong table ("Don't play with Geraldo the day he has to go back to New York," Edie warns, "or he'll murder you!"), games of Scrabble and Risk, the makings of innumerable sandwiches, on which Geraldo appears to thrive, and a fireplace. Today, since it is raining relentlessly, a fire is lit, and Geraldo is feeling expansive.

"I've benefited from reverse discrimination," he says. "People have been prejudiced in my favor because I'm Puerto Rican. I'm as proud of the stories I've done on ghettos, of giving a voice to the South Bronx and East Harlem, as I am of Willowbrook. It's painful for me now to talk about Willowbrook, because the place is as bad as ever—even though we shamed Rockefeller into doubling its budget, even though it has 1,500 fewer inmates, it still stinks, it's still horrifying. Kids are still kept inside even on a sunny day, because there isn't enough help. The great and painful paradox is that the institution has changed so little, and my life has changed so much. That's why we started One-to-One."

One-to-One, a charity to establish decentralized housing and individual attention for the retarded, was inspired when Geraldo's Willowbrook series drew unsolicited contributions from the public of \$50,000. Since then the charity has raised \$2 million, chiefly through telethons and benefit concerts, the first of which featured John Lennon and Yoko Ono. This past June's telethon netted a remarkable \$650,000 in eight harried hours. One-to-One also holds "annual festivals" in

Central Park, at which volunteers give personal attention and entertainment to as many as 12,000 retarded guests, who are brought from as far as 75 miles away.

However craven anyone may consider Rivera's motives, nobody denies that he has done a great deal to help the retarded, at no financial gain to himself. "He doesn't even talk about it all that much," says Karla Munger, who administers the charity. Karla can discuss Geraldo's shortcomings as eloquently as anyone, but let nobody say when she's around that there is anything dubious about his involvement with One-to-One. "You should have seen him at the Armory at 4 a.m. after the last telethon, bursting into tears as he thanked 400 volunteers who had been there all day, in that terrible heat. Some had even been there since six the previous morning. He's so persuasive. He says come on, give us a hand for a couple of hours, and the next thing you know a day or a week has gone by, or in my case two years now."

Karla is something of a graphology buff. She was interested when someone else observed that Geraldo's signature, under the "Good Night America" logo, slants a bit downward, suggesting depression. "I've seen his signature change," she said. "He used to use a lower case 'g' for his first name, but now it's coming up, which means ego. And his writing is scribblier now, less definite, which could mean he's not so sure where he's going. All his characters are still carefully closed, though, which means don't try to mess around with his privacy. I can see why he gets criticized, sure. He's not a goddamn saint, he hasn't learned the wisdom, or the sneakiness, to play it the way people wish he would. But I've seen firsthand the time, the effort, the total exhaustion, and nobody can fake all that."

The most cynical school of thought about Geraldo is that he got into Willowbrook only so he could start running for mayor of New York. "He'd be a good one," Vonnegut says, "if he felt like trying. Somebody once said there were two men in this city who could go anywhere without getting into trouble: John Lindsay and Geraldo. That could still be true. If he were mayor, as he once said himself, 'At least nobody could jive me.'"

If this complicated hybrid doesn't want to live in Gracie Mansion, what then is he after? A lot of things, some of which would seem to be mutually exclusive. A recurring refrain is that he intends, any month now, to become "a grownup"—to have what might amount to an interior second Bar Mitzvah. (His first, 18 years ago, "very much resembled a Puerto Rican wedding.") He wants to

write "a book a year; I love to write." He is beginning work now on *A Special Kind of Courage*, concerning children who transcend big troubles. "It'll be an important book. I hope it will win literary awards. I was disappointed when *Willowbrook* didn't." His Willowbrook book, subtitled *A Report On How It Is And Why It Doesn't Have To Be That Way*, sold only respectably, as did his two books for children, *Puerto Rico: Island of Contrasts* and *Miguel Robles—So Far*, which Edie illustrated. He also has in mind "a novel about a rock 'n' roll newsmen—someone, you might say, a lot like myself."

He would also like to have a family, perhaps two children of his own and two adopted, and to travel farther than he yet has, which is to say West of Catalina Island in California and east of Syria. He would like to go back to Chile and even more to go back to Israel, where he wangled an assignment during the Yom Kippur War. He is passionate about Israel. The day of the Ma'alot disaster, when he was in Los Angeles covering Hugh Hefner and Jane Fonda, he had a six-pointed Star of David tattooed near the crotch of his left hand. (What with that, a bracelet and three or four rings, his hands invite a lot of attention.)

**F**or all his planning, it's hard to imagine Geraldo quitting the news. He would relish being as influential nationally as he has been locally, and it occurs to him to spend the next decade—"at least until I'm deep into my thirties"—hanging on in television, not necessarily with "Good Night America." The show is supposed to last until late 1975, but Geraldo keeps putting off signing the contract. "I'm afraid that as soon as I ink the pact, so to speak, I'd give up some of my independence."

Maybe by the time he is 40 or 45 he will resume the practice of law. Maybe there is a shred of truth to the rumor that his real secret wish is to be the President of the United States. "They won't be ready for a Puerto Rican Jew until the year 2,000," he says with disarming modesty, but if he's alive then he will only be 57, and doubtless a spry 57 at that. By then he may have learned something about restraint, and how to read less woodenly from a teleprompter, and how to value silence over vapidly. He may also have developed a knack for choosing companions more universally appealing. Even if he doesn't, his cabinet could compare favorably with some we have seen of late. Besides, there are certain auspicious signs. Geraldo was born, after all, on the Fourth of July. ■



Robert McElroy



# Here's to Old Blue Eyes (59)

BY ALEXANDER COCKBURN

Speaking frankly, I'd say that a good portion of the pleasure to be derived from reading what other people have written in the newspapers is the sense of gratitude that you did not have to write it yourself.

- I've never had to interview Buckminster Fuller.
- I've never had to cover a smallpox epidemic in Calcutta.

- I've never had to ask weeping Mrs. Brown for a picture of her son, crushed and mangled victim of a runaway truck.

- I've never had to ask myself and the readers of *The Sun News-Pictorial* of Melbourne, Australia about the meaning of Frank Sinatra.

This is what poor Noel Hawken had to do, late on the evening of Thursday, July 11. He had to do it, because poor Noel Hawken is a journalist and because in the week between July 9 and July 16—to judge from the mound of clips in front of me—Frank Sinatra was pretty well the biggest thing going in the news in Australia.

And why was this? Because on the evening of July 9, Frank Sinatra uttered insulting words about journalists, particularly female journalists. He said that male journalists were parasites and female journalists were hookers. As I suppose most people know, he said this in front of 7000 people at a concert in Melbourne. Jill Sykes, reporting for the *Sydney Morning Herald*, wrote the next day that "Tuesday's audience seemed slightly embarrassed at first. We are not accustomed to hearing people called parasites, hookers and bums over high fidelity amplification. But as Sinatra warmed to his theme, so did his audience, responding with applause and laughter." People hearing criticism of the press generally do.

As Sinatra's friend Agnew could have told him, and probably has, the first law of journalism is known as the Sacher-Masoch principle. Simplified, it can be summed up by saying that the easiest way of gaining wide and instant publicity is to attack the press. Sinatra's words at the Melbourne concert were hardly out of his mouth before the Sacher-Masoch law went into effect. Which returns us to our friend Noel Hawken. Hawken, doubtless yearning for beer and a peaceful evening with the members of his immediate family, had to do the big, reflective piece on Sinatra two nights later.

He started off in champion style. "Frank Sinatra's outburst at the Festival Hall on Tuesday night becomes all the more extraordinary the longer you look at it." This is a good example of the throat-clearing lead. Both writer and readers are fully aware that the exact opposite of this statement is the truth: viz., "Frank Sinatra's outburst at the Festival Hall on Tuesday night becomes all the more ordinary the longer you look at it." The throat-clearing lead alerts the reader to the fact that the writer, for complex reasons to do with the ratio of advertising to editorial copy, the insane commands of the features editor, etc. etc., simply has to maintain and then debate an absurd proposition.

After a couple of hundred words Hawken has got his second wind. "Why is it that so many leaders of American society—the men who should be models for the millions who admire them and

**In which Frank Sinatra visits Australia, lives it up, snarls at a photographer, lets go at the national press, is held prisoner by the unions, works it out, and goes home.**

aspire to rise to their level—have this savage coarseness so close beneath the skin?" The answer to this, I'm afraid, is that the Great American Dream is a hollow sham. "The ramifications of this sad illusion [the G.A.D.] are too widespread now in America—and in countries openly imitating America—for anyone to grasp." Hawken's grasp is nonetheless ample. Ramifications include Watergate, loneliness, and desperation which reduce matters to such macabre depths that "time

and time again in America, men will kill merely to make newspaper headlines." I've cut Hawken's essay somewhat, but this theme of death sees him through to the end: "When psychotic killers like Charles Manson and his followers are challenged, they merely have to ask 'Why not?' and the mass of Americans seem utterly stuck for a convincing answer. Yet they remain sick at heart all the same. And I suspect Frank Sinatra is as well."

That's probably enough of Hawken. It gives you the flavor. But I think the important point—apart from enjoying an easy laugh at Hawken's expense, which is fine—is not to impute folly to Australian journalists, but to recognize a sad fact recently proved in the last days of the Nixon presidency: that the fewer specific ideas about the reasons for some dire event—such as Watergate or the Sinatra affair—a journalist may have, the more grotesquely inflated his accounting for it will be.

Happily I have no need to remind you of that dark week in American journalism after the debate on articles of impeachment in the Judiciary Committee. It must be all too clear in your minds: the system working, the people governing, the New South emerging, the congress reasserting. But



Alexander Cockburn, a British journalist working for *The Village Voice* in New York, is the author of *Idle Passion*, a book about chess to be published by Simon & Schuster this fall.



somehow the torrent of bullshit that engulfed the American media was so violent and noisome that one's sense of rationality is still paralyzed. It takes the simple, dogged effort of Hawken to clarify the issue: that once a story has got going, it is the duty of all journalists to go on writing about it, regardless of the fact that no new ideas or new facts are available.

**T**he Sinatra story started peacefully enough. Herewith some impressions based on immersion in the clips pile previously mentioned. Sinatra himself—variously described as “old blue eyes (59),” the “stocky singer (59),” the “fifty-nine year-old crooner,” the “kid from Hoboken (59),” “the friend of gangland figures,” “the Voice (59),” arrived in Australia on a Qantas jet from Tokyo with Barbara Marx, always described as the “former wife of Zeppo Marx (73), youngest of the Marx brothers.” She also was described as “the constant companion,” “the close friend” of “Old Blue Eyes (59).” She was “statuesque,” “between 40 and 50,” “Sinatra’s blonde.” With the couple were “twenty close friends.”

Awaiting the group at the airport were “a white Rolls Royce,” “a \$50,000 DeTomaso sports car” which was “a sleek, silver grey beast.” It had “pure leather upholstery with pure cashmere trim.” It also had quadraphonic sound. “A luxury

yacht” also awaiting the “Chairman of the Board.” The whole entourage, along with “a small posse of bodyguards,” ignored “waiting newsmen” and sped off at the head of another “large posse of Mercedes Benz” to the hotel. Here “old/ole Blue Eyes” alternatively “snarled at,” “kicked,” and “ignored” waiting photographers. Bodyguards menaced photographers, too. Then “Old Blue Eyes (59)” took up residence on the twenty-third floor of the hotel. His quarters were “luxurious.” The bedroom had “two enormous double beds, with gilded brocaded eiderdowns. The bedroom had a well-stocked liquor cabinet.” Incidentally the yacht also had “well-stocked liquor cabinets.” So did “Old Blue Eyes (59)” dressing room have “a well-stocked liquor cabinet.” I think his “red and white private Grumman jet” had “a well-stocked liquor cabinet.” On the other hand, the main rooms in his hotel suite had “a fully-stocked bar.” Waiting reporters sought to interview “the stocky singer (59).” They were “brushed aside,” “punched by thugs.”

But then the “Voice (59)” made a mistake. He went for rehearsal at the concert hall in his “maroon Rolls Royce,” or alternatively his “red Rolls Royce.” (Unused were his “luxury \$55,000 DeTomaso Italian-made saloon,” “his fleet of Mercedes Benz,” “his luxury yacht,” and his “private Grumman jet.” Also his “white Rolls Royce.”) But he was dropped at the wrong stage

door. He “ran,” or “trotted,” or “sprinted,” or “took to his heels” past waiting newsmen and an “amateur photographer” to whom he “snarled,” “muttered” or “spat” the words “get out of my way.” “Bodyguards” punched and threatened observers.

From there on in, it was all down hill. “The aging singer” who was “according to well informed insiders” making “half a million out of the tour” insulted the press. Then he cancelled a concert. Then he was blacked by the unions. There were disappointed fans. “I could rip his teeth out one by one,” said Mrs. Clare Gore of Hackham. “Isn’t he a heel! He is paid to entertain people but seems more like a woman than a woman.” Useless now was “the luxury bathroom” at his hotel with “a bidet” and a “specially lit mirror.” Untrodden was the “luxury pile carpet from his dressing room to the stage.” “Outraged” were the fans, furious the unions and prolific the press.

Old Blue Eyes (59) became the cross between the Prisoner of Zenda and Rudolf Hess. He “lurked” in his hotel. All normal service was withdrawn. Even his “blue and white luxury Grumman private jet” was starved of fuel. Lawyers moved expensively around the continent. National concern grew. “If he wants to get out of the country, then he’ll have to walk on water,” said the pugnacious Mr. Hawk, feisty Australian union boss.

The row dragged on for a few days. Old Blue Eyes (59) refused to apologize. “Behind large dark glasses his reportedly blue eyes were invisible.” He “skulked,” or “lurked,” or “sat it out.” When seen, his “mouth seemed to grin wide as he chewed gum open-mouthed.” Eventually “a face-saving formula has been devised.” “No one apologised.” He gave a free concert. He left after “a ten day visit.” He took “a jumbo jet to London.” The 59-year-old singer lurked in “a VIP lounge” with “his girl-friend, Barbara Marx,” and “he was spared normal Customs checks.” He “hurried to the plane” with his “constant companion, Barbara Marx, blonde divorcee” and “Sinatra’s constant companion for two years.” “Mrs. Marx is a keen sportswoman and enjoys tennis, golf and swimming.” “Mrs. Marx has lost none of that elegance that made her a top fashion model in the 1950s before her childless marriage to Zeppo (79)” who is “73” and the “youngest Marx brother who left the team in 1934 to become an actors’ agent.” Mrs. Marx “likes tennis.” She arrived from Tokyo “wearing sunglasses and a white trench coat.” She came with “the stocky grey haired singer (59).” Once “she smiled broadly.” She is “Old Blue Eyes (59) constant companion.”

Then they all left Australia. What happened, you see, was that an elderly singer with some friends came to Australia and gave three concerts. He earned \$25 dollars (Australian) per second for these concerts. He made some remarks about the press, which the audience liked and the press resented. The unions made a fuss but the row was settled. Then the aged singer met the prime minister of Australia and his wife. Then the aged singer went away. In doing so, he proved something: that journalism abhors a vacuum. And as the Australian press thrashed about in the absence of “Ol’ Blue Eyes (59),” we met many old friends, among them:

- the psychiatrist. “An Adelaide psychiatrist thinks that Frank Sinatra’s erratic behaviour springs from his under-privileged childhood origins in Brooklyn, New York. ‘He can’t get over it.’”
- His greatest fan, Bill Weeden. (“I’m too old to be called a fan.”) He owns 250 Sinatra albums. He is “a sober, middle-aged laboratory manager and Oakleigh councillor . . . until you mention Frank Sinatra’s name.”
- His namesake. “Sinatra is alive and well and





# The newspaper you'll want to keep



"...The American Poetry Review arose so suddenly to fill a definite need in American poetics that it cries for commentary. ...The broad vision of its editors reflects the new pulsing lights of contemporary poetry in America."

—Charles Levendosky,  
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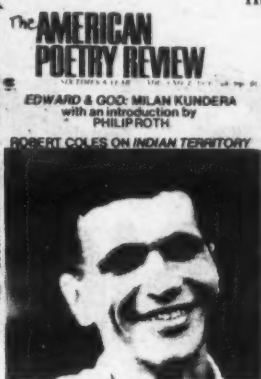
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**The AMERICAN POETRY REVIEW**



singing in West Footscray. Sam Sinatra, that is . . . Frank's only namesake in the Melbourne telephone directory." "Mr. Sinatra, a tennis string-maker, comes from Frank's old town of Catania, in eastern Sicily. And for all he knows he may be a long lost relative of the crooner."

But above all, Sinatra, in the course of his ten-day visit to Australia, freshened up the essential truth that regardless of high-toned talk

about the First Amendment, the first bulwark against tyranny, the watchdog of our liberties, etc. etc., the press is kept going by people who are prepared to write very rapidly without embarrassment about any topic desired. The first casualty in journalism is a sense of shame.

We started with Hawken. Let's conclude with Roger Bush, columnist in the *Sun*, Sydney's morning paper: "Mr. S, how lonely you must

be . . . I am not your confessor, my son, but I have words for you . . . So go home, my son. Hide in your Hollywood palace. Trump up charges against those who looked for your coming. Remember with humility that the greatest of all men came through a stable and rode not in a white Rolls Royce but on an ass."

It will be a sad day when the press doesn't have Ol' Blue Eyes (59) to kick around anymore. ■

# HAVE YOU BEEN MISSING...

.....the other winner of the Don Hollenbeck Award for outstanding articles on journalism? In 1972, New York University gave it to (MORE); in 1973, to The Washington Monthly for "Why the White House Press Didn't Get the Watergate Story" by Charles Peters and "We (Time, Newsweek and The New York Times) Knew What We Were Doing When We Went into Vietnam" by Henry Fairlie. These were but two of The Washington Monthly's many articles on the press. Others you may have missed include:

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# The Newlywed Game

(continued from page 1)

boss and their own relationship to the boss. (There were exceptions to that in the closing weeks of the Nixon regime, but by then the participants had good reason to know that he would soon cease to be their boss.)

A President is physically inaccessible. An interview with him is not a right to be exercised or a casual encounter to be enjoyed; it is a privilege to be negotiated. Aside from infrequent exclusive interviews, White House reporters have direct access to a President in only three ways: at a news conference, at a picture-taking event such as the signing of a bill or the welcoming of a foreign dignitary where the photographers reign supreme but where regular correspondents can observe a President's physical demeanor close-up and can hear snatches of conversation, and finally on vacation trips where Presidents may occasionally have drinks with reporters or host them a picnic or engage in a discussion on an off-the-record or "deep background" basis. Harry Truman saw reporters in this way when he traveled to Key West or Kansas City, and Lyndon Johnson often socialized with reporters at his Texas ranch, especially in his first, happiest years in office.

Reporters are also subtly constrained in their coverage of a President by the expectations that their own newspapers, magazines, and networks have of them. Since a President can generate news of enormous significance and since such news is often weeks or months in the process of formulation, the reporters who are White House regulars are expected to provide factually reliable background on how the President arrived at the

decision, what factors he took into account, what persons he relied upon for advice, and how the final policy evolved. Where is the reporter to obtain such background information? Obviously, it can only come from persons on the President's staff who work closely with him. Information is power, and men with information that is highly sought after naturally dole it out to reporters whom they trust and like.

**T**his is not a one-way street. Since any administration, if it can, wants to get the most favorable news treatment of the President's decisions and programs, it is in its own interest to provide background information to the correspondents for the major newspapers, the weekly magazines, the networks, and the wire services. Broadly speaking, therefore, the relationship between the White House and the reporters is institutional rather than personal. That was true even during the Haldeman-Ehrlichman-Ziegler regime under Nixon. The President's men might loathe *The New York Times* and *The Washington Post*, and might secretly be plotting to "screw" their press enemies with tax audits and F.B.I. investigations; but even so, Ehrlichman would take time to brief the newspapers and the networks on Nixon's domestic proposals.

Beyond the institutional relationship, however, there is a wide area of discretion as to who is told what and how soon. It is in this discretionary area that correspondents compete to develop sources and establish a feeling of mutual confidence. The reporter needs to convince his sources that he will report information accurately and in a

reasonably fair context.

The problem, of course, is that in human and practical terms it is difficult to cultivate White House assistants as sources and at the same time investigate or check up aggressively on their possible misconduct. A man trying to develop the full background—with John Ehrlichman's help—on Nixon's welfare reform plan or his cabinet reorganization proposal is not likely to inquire what burglaries and wiretapping Ehrlichman is planning. A man trying to report John Connally's international monetary negotiations may know Connally and his aides very well but not be psychologically prepared to probe into Connally's alleged activities in fixing the price of milk. In short, reporters who cover the White House are supposed to become experts on the President and his closest advisers but the expertise that their employers rightly expect of them tends to inhibit or disqualify them from being as alert and sharply critical of wrongdoing as they would otherwise be. In becoming experts on their beat, they tend ever so

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# NARK!

by Joe Eszterhas

"a minor master of the Raymond Chandler style ... Eszterhas gives solid evidence of the corruption and inhumanity of at least those narcotics agents he has chosen to investigate on the West Coast ..."

— *The New York Times Book Review*

The Orwellian netherworld inhabited by narcotics agents is the subject of **NARK!** — a new book by *Rolling Stone* Senior Editor Joe Eszterhas. Years before *The New York Times* and *The Washington Post* uncovered such an underworld, Eszterhas was exposing narcotics agents' tactics in the pages of *Rolling Stone*.

**NARK!** reads like a fast-paced thriller, and is written in the finest tradition of investigative journalism.



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subtly to become prisoners of the White House system.

That is one of the reasons why the trail leading into the White House opened up by the arrest of former White House aide E. Howard Hunt was followed up persistently, not by the regular correspondents there, but by two reporters of *The Washington Post's* metropolitan staff. And that is why it is important that reporters that work for smaller outfits other than the major news organizations try to maintain independent, critical attitudes and resist the mindset created by the incestuous interplay between the White House and the correspondents who regularly cover the White House. In the diversity of the press corps, there may be a saving strength.

There is little danger that President Ford will engage in the fear-and-pressure tactics adopted toward the press by Nixon and his white-collar thugs. The much greater danger is that, like most previous Presidents, he is going to woo the reporters and be too successful at it. (It required someone with Nixon's neurotic hostilities and resentments to ignore the old maxim: You catch more flies with honey than with vinegar.)

**F**ranklin D. Roosevelt invented the modern presidency, including the regular news conference, the assiduous cultivation of reporters on a professional and social basis, and the "leaking" of stories. My own personal knowledge of the White House goes back only to the Truman administration. President Truman was well-liked by the reporters who covered him, and this liking still colors the books being written about him now, more than twenty years later. He ran a more relaxed and open White House than any President who has followed him. Used to the delays, inefficiencies and cliquish atmosphere of Boston's City Hall, I was astonished at how easy it was to get an appointment with Clark Clifford, Charles Murphy and other Truman aides, how relatively punctual they were in keeping to a schedule and how forthcoming they were in their replies to questions.

By contrast, the Eisenhower regime was airless and stifling. No one on the staff would see a reporter unless the appointment had first been cleared by press secretary James Hagerty. Once an interview was obtained, it was more often than not a waste of time. Sherman Adams ran such a centralized operation that only he had the self-confidence to tell a reporter anything worth hearing. Most of the lesser aides specialized in vague, public relations-type doubletalk or inane platitudes. I can recall encountering a middle-level aide at a private dinner party. When he discovered



"Where presidents and their staffs and the Washington press corps are concerned, the danger from the public viewpoint is not a short-term honeymoon but long-term incest."

after a few minutes that I was a newspaperman, he was reduced to incoherence. Although he had said nothing of consequence, he pleaded, "Don't repeat anything I've said! Don't repeat anything I've said!"—until I became embarrassed for our hostess.

This curtain of silence protected Eisenhower almost as much as did his enormous pre-presidential reputation as a military hero. Reporters privately made amiable jokes about Ike. On rare occasions, they got mad at him. Once when his car, for some unknown reason, speeded up to more than 70 miles an hour on the weekly trip to Gettysburg and thereby lost the press pool car that usually kept close behind it, the late Merriman Smith of the U.P.I. and other correspondents retaliated by referring in their copy in the next several days to the President's "country estate" rather than the preferred usage, his "farm."

But this trivial tit-for-tat aside, reporters, myself included, never focused enough attention on what was significant about that farm, that is, that three wealthy friends, two of them oilmen, operated the farm for Eisenhower, paying the salary of the farm manager, meeting its maintenance costs, and absorbing the losses. The Internal Revenue Service refused to countenance this as a business arrangement and levied a gift tax on the money the oilmen gave Eisenhower. Other wealthy businessmen contributed Black Angus cattle and other expensive gifts to the Eisenhowers in the form of donations to this farm. At one news conference, a reporter raised a question about these gifts. Eisenhower blandly replied that no improper motives should be attached to these acts of friendship. They were just as well-motivated, he

pointedly observed, as the White House correspondents were in giving him a pair of sows.

The Kennedy Administration far surpassed any other in its adroit manipulation of the press. On every major event and many minor ones, there was an establishment version for the *Times*, a liberal version for the *New York Post*, anecdotes and colorful details for *Time* and *Newsweek* and favored columnists such as Leonard Lyons, and yet more versions and interpretations for others. The President himself leaked stories to certain newsmen, and a dozen people on his personal staff had their press clients and contacts. In addition to Kennedy's considerable personal charm, he had a keen interest in newspapers and could talk about them with an insider's knowledge. It was a virtuoso performance and like all great performances, it succeeded because it was a blending of conscious art and genuine enthusiasm. Perhaps the astonishing thing is not that the White House correspondents and the whole Washington press corps failed to cover some stories and inadequately covered others, but that there was as much good reporting and critical commentary as there was.

**L**yndon Johnson with his overwhelming bear hug, press-the-flesh style tried to take the press by storm and, at a critical juncture, succeeded. The Bobby Baker scandal was just beginning to break when Kennedy was assassinated. A full exposure of Baker's activities as a political fund-raiser and a lobbyist could only have been embarrassing to Johnson and might well have been legally dangerous. The Senate investigation of the Baker case folded shortly after Johnson entered the White House. A liberal Democrat in the Senate explained his vote to me candidly: "There are things that I would be willing to do to a Vice-President of my party that I wouldn't be willing to do to a President."

To its discredit, the press went along with this cover-up. The Baker story has never been told in full. Baker went to prison and kept his mouth shut. We can reasonably guess that Johnson followed Baker's legal maneuvers and his actual trial with as close attention as Nixon paid to the Watergate trial. The *Times* ran a few editorials in 1964 backing up the demand of Sen. John Williams (R.-Del) that the Senate investigation be continued. But no newspaper, editorially or in the news columns, did as much as we could have or should have. Instead, the press played along with and helped foster the Johnson honeymoon.

The appeals to national unity, the illusion that political conflict was being transcended, the belief that it was the press's duty to be supportive



rather than critical of the new leader—these same bankrupt notions were invoked then that are now being invoked by and on behalf of President Ford. The press is particularly vulnerable to these appeals now. Having done its job in the last year with uncommon persistence and aggressiveness, the Washington press corps helped bring out the whole story of Nixon's secret rottenness and was therefore instrumental in forcing him out of office. Now many reporters are sensitive to accusations of partisanship; they are tempted to refute these criticisms by being nice to Mr. Ford. Even Dan Rather of CBS, whose reporting from the White House in the last Nixon years was brilliant, startled many of his admirers by going soft on Nixon at the very end, describing his next-to-last speech as having "a touch of majesty" and expressing the view that to hold the outgoing President to a strict standard would be like "shooting at a lifeboat." Syndicated columnist Mary McGrory, an observant

and penetrating commentator on Nixon, predicted in her first piece on Gerald Ford: "The press, anxious to demonstrate it is not the vicious pack of recent White House rhetoric, will smile on him." The tendency to look amiably is strengthened by the campaign that Nixon and Agnew, before they were unmasked, waged against press bias. Fraudulent and unfounded as that campaign was, it may have left some residual intimidating effects in the minds not only of network vice-presidents but also some Washington correspondents.

The press has no business playing the rally-round-our-leader game. The press cannot appease its critics. Instead, the press should keep its guard up. It can report that Gerald Ford is a much more decent, honest and straightforward fellow than his predecessor. But it can also keep a vigilant eye on his relations with the big automobile companies and the other major economic interests whose viewpoint he consistently championed in 25 years

in the House. It can keep watch on the new President's demonstrated partiality for the Pentagon's big budget requests and its pressure for a militarized foreign policy. It can watch more critically than all but a few Washington reporters have thus far the continuing manipulations of Henry Kissinger, a public relations wizard whose deft use of inside information and press flattery puts him in a class with John F. Kennedy.

The Democrats in Congress can, if they wish, enter into a "good marriage" with President Ford. That is their business. But connubial bliss cannot be the fate of honest journalists. Nor should they act as marriage brokers between the President and Congress or the President and the people. If the press is to have any role in this relationship, it might be that of the nagging, suspicious mother-in-law who thinks no President is good enough for her country and even if he is half as good as he talks, he—like any man—needs watching. ■

## The Perils of Muckraking

(continued from page 9)

cases, agrees that the indemnity is grossly unfair to authors. "If the publisher does a libel reading and publishes the book with the intent to make a profit," he says, "then the publisher should be willing to cover the author with his insurance. The indemnity goes in exactly the opposite direction. The author should not indemnify the publisher; the publisher should indemnify the author. It is a simple case of their relative economic power."

In England, a judge has latitude to charge court costs to one party or the other if he believes a suit has been frivolous. Some have wondered why that can't be done in this country. Charles Rembar explains that a judge in the U.S. would need statutory authority to do this. He notes that in copyright law, for example, judges are given this discretion. A frivolous suit can cost the plaintiff; a flagrant invasion of copyright can cost the defendant. But a judge does not have this discretion in the area of libel. Further, as Seymour Hersh points out, such a practice might discourage perfectly valid suits from being brought, which would be an equal injustice.

Sol Stein, president of Stein & Day

publishers, suggests that if there is any villain in this piece, it is the lawyers with their exorbitant fees—fees "... out of all proportion to what the author gets for a book ... and unfair in relation to the rewards of the publishing industry." Walter S. Wehrell, vice president and treasurer of Seaboard Surety, says 81 per cent of the money paid out in claims goes for attorney fees. Charles Rembar suggested six years ago that the costs of all sorts of litigation are too high for most Americans, and that the government should assume payment of lawyers' fees according to some accepted rate table. The suggestion, says Rembar, "was greeted with deafening silence."

Both The Authors Guild, Inc. and the Society of Author's Representatives, Inc., are circulating model contracts which stipulate, in the case of the Guild, limited liability for the author, or, for the SAR, liability only in case of a finally sustained judgment. Both models are useful documents for the agent or author unsure of his or her position. Robert Lescher, in part responsible for the SAR model, feels that publishers should make some special arrangement for "hot" books

they suspect might attract a suit. This makes sense particularly if the publisher plans to market a book as a controversial, inside-look at a subject. It is, of course, impossible to predict who will sue what book. But a different standard for investigative non-fiction would go far toward ameliorating the problem.

Since the birth of no-fault insurance, some of the old personal injury attorneys have been looking for new business and have become what Sol Stein calls "ambulance chasers of the literary trade." Coupled with the popularity of the non-fiction novel and muckraking journalism, more libel suits are filed today than five years ago, and fewer companies are writing the insurance. And what they do write costs 25 per cent more. In such an atmosphere the author who signs a boilerplate contract without making an effort to secure the best indemnity clause deserves the consequences of this foolishness. A sadder-but-wiser Harvey Katz concludes, "Everyone seems to be able to rationalize away the rights of the author." ■

## COLUMN TWO

(continued from page 2)

Finally, Rosenthal raised the issue of Quality. "We don't want to disseminate information that we think is unfair," he said. Allegedly, that is why he found Walsh's article unfit to print in the *Times*. There is hardly unanimity on whether the piece should have run, however. But in the end, of course, all this is irrelevant to Rosenthal's concern about pushing bad goods. For if editors of another publication decided to print Walsh's work, it obviously would be they, and not the *Times*, who would be disseminating the information. Indeed, when Walsh sent the piece to *Rolling Stone* he set as one condition for publication that it not be identified as having originally been written for the *Times*. He also stipulated that if the magazine decided to buy the article he would first have to discuss the matter with the *Times*.

*Rolling Stone* rejected Walsh's piece, too. "It was not written in our style of journalism," said

managing editor John Walsh (no relation), who was stunned to hear that the *Times*man had been fired for sending him the manuscript. Seymour Hersh, the man who urged his colleague to do it, said, "I've been in the business 14 years and I've never heard of anyone being fired overnight like this." In both Washington and New York, other *Times* reporters were a good deal less polite, though all pleaded anonymity given the atmosphere fostered by Rosenthal. "The man's gone mad," said one long-time Washington correspondent. "I'm mortified for the paper," said another. In New York, one of the paper's stars suggested that Rosenthal was treating the staff "as if we were all N.F.L. football players." As for the apparatchiks, they were running to form. Clifton Daniel, the stately Washington bureau chief, described the whole business as "a New York matter," but said he agreed with Rosenthal's decision. Jones concurred in the firing also.

Rosenthal insists that Brit Hume's article in

[MORE] last month had nothing to do with Walsh's dismissal. When I told him that we had not obtained a copy of the manuscript through *Rolling Stone* but from an entirely unrelated source, he said he could not care less where we got it. The fact is, however, that Jones's original mission was to find out just that; only as a result of his plumbing did he discover that Walsh had dealt with *Rolling Stone*, thus giving Rosenthal the Flagrant Transgression he sought.

Even with Walsh's record—a shared Pulitzer Prize when on the *St. Louis Globe-Democrat* and, subsequently, solid investigative work at *Life*—it will not be easy for the 38-year-old reporter to duplicate a job that paid more than \$25,000 a year. As this issue goes to press, Walsh is seeking aid both from the Newspaper Guild (which could, if it chooses, take his case to arbitration) and from a Washington lawyer. How all this will end is hard to predict, but it will be instructive to see what kind of support Walsh gets from his fellow reporters on the *Times*. ■

[MORE] 21



# FURTHER MORE

(continued from back page)

perpetual crisis, pseudo and real. Race, crime, drugs, pollution, energy, inflation—the stick of crisis has been jiggling in our ribs for as long as most of us can remember. People are beginning to ask, Who is on the other end of that stick?, and many are finding the answer to be, the Media? The sad but ineluctable truth is, the Media flourish under scandal, disaster, tumult in any form they can get it. It is built-in, part of the machinery of their operations. For them no news is bad news. A number of consecutive slow-news days, so restful for the nation at large, is terrible for the Media in particular. There have not been many slow-news days.

The Media are voracious, really quite unappeasable in their appetite—all that space, all that time in the case of broadcasting, must somehow or other be chewed up. Hot copy is their desideratum, and they have become expert at digging it out and serving it up. Cover stories have to be found, headlines laid down, talk shows organized, a couple of hours of television news grubbed up nightly. Quarterlies, monthlies, weeklies, dailies, it sometimes seems as if the only periodical suitable to our day would be an hourly. How impermanent, how perishable it all is! Can anyone name the last six *Time* or *Newsweek* covers, including the editors of *Time* or *Newsweek*? Doubtful.

**T**hat the Media contribute heavily to the new American jitters scarcely seems in question, but what is in question, what is still very much in the flux of controversy, is their actual power. Book publishers, for example, seem to believe that nothing equals the power of selling books as an author's appearance on television. ("You get all those people who move their lips when they read.") A self-fulfilling prophecy is at work here. Booksellers want to know if an author is in fact going to appear on television, and if he is, stock his book in greater numbers and display it more prominently than otherwise. The oil companies, in their recent ads attempting to justify stiff price increases on the basis of an old-fashioned appeal to xenophobia—we are spending more money to develop our own resources so that no American will have to depend on the whims of foreigners—also choose television as a major forum for doing so. But whether television truly sells books, or those odious Exxon and Mobil ads succeed in pulling the wool over the public's toes, no one knows for certain.

Perhaps a more useful way of determining the Media's power is to ask how they have affected recent history, for good or for ill. One clear casualty can be laid off on them, and this is the death of the Civil Rights Movement. The Media did not will this death, but nonetheless indirectly promoted it. Hot copy was the villain of the piece, and the Media, as so often, went humping after it like a sailor on shore leave. Stokely Carmichael, H. Rap Brown, Eldridge Cleaver and other fly-by-night figures now mercifully lost to memory, by dint of inflammatory

statements utterly captivated the Media, which lost all interest in any Civil Rights leaders who did not yell "fire." Next to these figures, Martin Luther King, Roy Wilkins and Whitney Young became passé. At the time, Bayard Rustin remarked that fraudulent leadership in the Movement could unmistakably be discovered in the unwillingness to talk about economics or law. But economics and law make notoriously dull copy, and the Media, recognizing this, fell for the flamboyant and paid attention only to the incendiary. The Media cannot abide dullness—or, beyond a certain point, complexity. As a result, the earnest Civil Rights Movement was ditched.



Marty Norman

On Watergate, of course, the Media looks positively heroic. A strong strain of gloating on the Media's part is evident, to be sure, but, after the beatings dealt them by Messrs. Agnew, Ziegler, Buchanan, and Company, the temptation to self-righteous vindication has to have been irresistible. Although here Walter Cronkite, who with the passing years is coming more and more to resemble a Unitarian's idea of God, may have gone a bit far when, in the first flush of triumphant feeling after the initial Watergate exposures, he told an audience of University of Chicago professors and administrators, the university riots only a few years behind them, that they ought to emulate the Media and encourage dissent in the classroom.

But to what extent can the Media rightly take credit for the revelations about Watergate? No one has yet persuasively refuted Edward Jay Epstein's argument in *Commentary* that the real spadework behind Watergate was done not by journalists but by prosecutors, grand juries and Congressional committees. Leaks and plea-bargaining have produced more than genuine investigative reporting. Once the hook was in, the

Media have done all in their power to keep it in, making sure that the large fish not be allowed to squiggle free. But for the most part, as Murray Kempton, referring to the disarray that government has found itself in since at least the Johnson Administration, correctly notes in *Harper's*: "Journalists are to be commended for giving wide currency to the results of this particular treason of the clerks, but they would give themselves too much credit if they claimed to have been responsible for its inception."

After having been in business for so long, why should the Media be ripe for the role of national villain now? Part of the reason is that it is only recently that their importance in our lives has become obvious. A larger part, though, is that it has only been a decade or so that people outside the Media, recognizing their potency, have become so adroit at manipulating them. In politics, a precursor at manipulation was the late Sen. Joseph McCarthy, who not only subtly understood the uses of the Media but was able to exploit them handsomely for his own ends. Since McCarthy's time, every politician, from Kennedys to water commissioners, look to their image (as opposed to their substance), and generally with rewarding results. Illinois, my home state, currently has a governor whose only discernible skill is at giving a press conference—yet this has been sufficient to cause his name to be bandied about as a possible presidential candidate. But the exploitation of the Media is not restricted to politicians, nor does freedom to exploit the Media require protection under the Constitution. Anyone who has anything to sell, push, or put over has sensed that the Media present the promptest path to his own particular Valhalla. Over the years the Media, vulnerable in their need for hot copy, have found themselves lying down with some very strange characters.

But the point to grasp is that the real power of the Media is of less moment than their supposed power. Few people finally knew the true power of Wall Street or Madison Avenue; their putative power was enough to render them villainous in the nation's eye. By a standard the Media have themselves done much to promote, the illusion of power is at least as significant as its possession. The decisive fact is that the Media are *believed* to have great power. The Media ride high at the moment, but when Watergate runs out, where will they be? Will they pursue the prosecution of Nixon? Get on the Ted Kennedy bandwagon, high style always being good copy? Or instead get on Ted Kennedy's back, sex scandals being even better copy? Whether the media reflect social reality, or rather create it, will remain a key question.

**W**hen the crunch comes, the putative holders of power must expect to take the brunt of the blame. Should the country fall into a full Depression, who better to hold responsible than the party thought to hold the most power in the nation, and at the moment that party is thought to be the Media. But even without such a catastrophe, there are signs that the Media are beginning to pall on the public. Our fifth presidential election under the auspices of image—that is to say, Media—politics is coming up, and the first four, beginning with John F. Kennedy, have not turned out well. The atmosphere of constant crisis under which the nation has been living is more and more attributed to the Media, and who by now isn't thoroughly sick of it? Public disgust did not bring down Wall Street or Madison Avenue. Nor is it likely to bring down the Media, though the latter does require more in the way of public confidence than the former. The effect of a serious loss of confidence in the Media can scarcely be negligible. Public disenchantment with the Media might well turn out to be the hottest copy of the years ahead. ■



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## The Media As Villain

BY JOSEPH EPSTEIN

America likes, possibly even requires, a villain within its borders, preferably a large and abstract one. In the current century, the nation has not been without such a villain for very long. First, there was Wall Street, at whose door all the world's injustices could be—and were—laid. The choice of Wall Street as a national villain involved at its core a critique, however vague, of capitalism, its harshness and barbarities. Succeeding though not altogether eclipsing Wall Street was Madison Avenue, another fine choice, the selection of which involved not so much a critique as a reflection of uneasiness at the national squandering that affluence had made possible. The next national villain, if they have not already arrived in the role, figures to be the Media.

The cases against Wall Street and Madison Avenue were not built on sand. The men of Wall

Street were genuinely ruthless in their pursuit of profit, and heedless of the social consequences that followed from that pursuit. The boys of Madison Avenue were supremely cynical in their estimate of public ignorance, believing there was no tune they could whistle to which the rest of us couldn't be induced to dance. Both Wall Street and Madison Avenue, in their roles as villain, were credited with the highest powers of manipulation. There was no event, however momentous, that Wall Street could not bring about, no need, however idiotic, that Madison Avenue could not create. It was widely held that Wall Street brought the nation into war, Madison Avenue into cars with tail fins. Omnipotence was charged to both. The chief assumption was that each exerted a control over their countrymen's lives that was near total, the reigning metaphor being that of first Wall Street, then Madison Avenue as puppeteers with an entire nation wriggling about helplessly at the end of their strings.

Do the Media qualify for villainy on so grand a scale? All the requisites appear to be in place. Obviously, the Media are very powerful, though, like Wall Street and Madison Avenue before them, no one knows how powerful with any exactitude. Unarguably, their potential for manipulation is extensive: they seem able to make or break reputations, decide important issues, build or weaken confidence, create or muffle crises. Grist for a theory of the Media's potential control over the nation is, with only a slight tinge of paranoia, readily available. In collusion, couldn't *The New York Times*, *The Washington Post*, and a few of the nation's larger newspaper chains, along with the heads of the major television networks, among them elect (or destroy) a President? Are we yet at the mercy of yet another puppeteer?

The analogy between Wall Street and Madison Avenue and the Media might seem to

**"Both Wall Street and Madison Avenue, in their roles as villain, were credited with the highest powers of manipulation. Do the Media qualify for villainy on so grand a scale? All the requisites appear to be in place."**

break down over the question of motive. For Wall Street and Madison Avenue, the motive was clear—money, and what money could buy in power. Involved for the Media is something different, and less clear—a sense of being at the center of things, a heady feeling of not merely being where the action is but of having a hand in shaping the action. To break a politician, to make a celebrity, to turn an issue, these are not small things. Wall Street and Madison Avenue had money at their disposal, which gave them power; the Media have the attention of the public at their disposal, which gives them an equivalent if not greater power.

Boiled down, the charge against the Media comes to this: too much power joined to too little responsibility. The Media can dare everything while risking nothing. This is an enviable position to be in but one apt to cause resentment. A certain resentment is also building over our living, as we all have for some years now, in an atmosphere of

(continued on page 22)

Joseph Epstein, a visiting lecturer in English at Northwestern University, is the author most recently of *Divorced In America* (Dutton).

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